The City Council of the City of Raleigh met in regular session on Tuesday, September 3, 1985, at 1:00 p.m. in the City Council Chamber of the Municipal Building, 222 West Hargett Street, with the following members present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by Councillor Arthur J. Calloway after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***COMMENDATIONS - ANISSA ROGERSON AND SARA OPPENHEIM

Mayor Upchurch recognized Anissa Rogerson and Sara Oppenheim, pointing out they had represented North Carolina at Girls Nation in Washington, D.C., in July. He indicated at Girls Nation, Ms. Oppenheim was elected Vice President, and Ms. Rogerson was elected Sergeant at Arms. It was explained that Girls State and Girls Nation are conducted by the American Legion Auxiliary. Mayor Upchurch presented Ms. Rogerson and Ms. Oppenheim a Certificate of Recognition.

***CERTIFICATES OF APPOINTMENT - PRESENTED

Mayor Upchurch explained the Certificate of Appointment presentation and presented the following certificates: Historic Properties Commission - Robert Anderson, Ann De Rosset, Steve Schuster, Michael Weeks and Mrs. Colin MacNair, Jr.

***SAFETY AWARDS - PRESENTED

City Manager Benton indicated each year the Department of Labor compiles statistics on various organizations and their safety record. He indicated various departments of the City have been singled out for operating in 1984 with no disabling injuries. He presented certificates to the Engineering Department, pointing out this is the seventh year the Engineering Department has achieved this award. Mansour Ali accepted the award. Bobby Price accepted the award for the Department of Transportation. Carl Simmons accepted the award for the Public Utilities Department - Sewer Operations and Water Plants. A certificate was also presented to the Civic Center. City Manager Benton then presented an Award of Merit for the safety record that was issued by the National Safety Council to Safety Coordinator Marion Berkley, pointing out the City of Raleigh has received this award for the last three years. He expressed appreciation to the employees for this effort.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all matters are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor Upchurch explained the vote on the Consent Agenda would be a roll call vote.

Mrs. Block requested that the item relating to disposal of surplus housing units be withdrawn. Mrs. Cates requested that the item relating to no parking on Bedford Avenue be withdrawn. Mr. Walters requested that the item relating to no parking on East Edenton Street be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Mr. Congleton moved Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows.

***PRIVILEGE LICENSE APPLICATIONS - VARIOUS - APPROVED

a. Business License Applications Requiring Council Approval

(1) This is an application for a massage business license for "Health Systems," located at 4020 Barrett Drive, Suite 106. The owner, Gayle Harkel Stone, is the individual making the application. City Code Section 12-2134 requires City Council approval before a license may be issued for a massage business. Police, Building/Zoning, and Fire reports indicate approval.

Recommendation: That this business license be approved.

(2) This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Reiko Furuya. She will be conducting her business at "Health Systems," located at 4020 Barrett Drive. The Police report indicates approval.

Recommendation: That this license application be approved.

(3) This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Dorothy Louise Turnbull. She will be conducting her business at Young Women's Christian Association of Wake County, Inc., 1012 Oberlin Road. The Police report indicates approval.

Recommendation: That these license applications be approved. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***MILLBROOK EXCHANGE PARK - TEMPORARY CONSTRUCTION EASEMENT - APPROVED

The School System plans to construct a new building at Millbrook High School. The site is restricted and a request has been made to allow a 40-foot temporary construction easement on City property for construction vehicle access and parking.

Copies of the easement agreement and map were enclosed in the Agenda packet.

Recommendation: Approval of temporary easement for construction purposes. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***ROAD CONSTRUCTION - ATLANTIC AVENUE - BID AWARDED TO W. C. ENGLISH, INCORPORATED - FUNDS APPROPRIATED

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Chief Engineer on August 27, 1985, to consider contract awards for Atlantic Avenue from Wake Forest Road to Wicker Drive. The results of the bids were as follows: W. C. English, Incorporated - $3,263,787.27; C. C. Mangum, Incorporated - $3,316,817.03; Crowder Construction Company - $3,435,337.05; S. T. Wooten - $3,481,075.08; Columbus Contractors, Incorporated - $3,505,401.37; Barnhill Construction Company - $3,719,317.25.

Recommendation: Award the contract to the low bidder, W. C. English, Incorporated, for $3,263.787.27. The Agenda outlined the appropriate transfer that is necessary and recommended for approval. Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 631 TF 4.

***WS 1985-2 - WATER CONTRACT SPRING FOREST ROAD - BID AWARDED TO BILLINGS AND GARRETT, INCORPORATED - FUNDS APPROPRIATED

Pursuant to advertisement as required by law, bids were received and publicly opened on August 15, 1985, in the office of the Chief Engineer to consider bids for contract WS 1985-2 (Spring Forest Road from Falls of Neuse Road to Sandy Forks Road). The results of the bids were as follows: Billings and Garrett, Incorporated - $331,000; Dellinger, Incorporated - $339,338; Hawley Construction Company, Incorporated - $340,749; J. F. Wilkerson Construction Company - $344,965.50; T. A. Loving Company - $365,000; W. E. Blackmon Construction Company - $379,527; Roanoke Construction Company - $407,306.

Recommendation: Administration recommends the low bid submitted by Billings and Garrett, Incorporated, be awarded and that the transfer, as outlined on the Agenda, be approved. Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 631 TF 4.

***COMPUTER - TERMINAL RENTAL FROM BLUE CROSS/BLUE SHIELD - APPROVED

It is proposed that the City enter into a rental contract for a computer terminal from Blue Cross/Blue Shield. This will enhance the monitoring of the health care program and funds are budgeted. A copy of the agreement was in the Agenda packet.

Recommendation: Approval of the rental agreement. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***LAKE JOHNSON POOL - GAS SERVICE - AGREEMENT AUTHORIZED - FUNDS APPROPRIATED

It is desirable to use L.P. gas at the pool site rather than incur the expense of a gas line to the remote site. This approach requires the rental of a 1,000 gallon tank, installation of piping on-site, and preparation of an underground tank storage hole.

Recommendation: That the City Council approve a five-year agreement for the storage tank and a gas service agreement and that a transfer of $740 from Council Reserve - Parks be authorized. Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 631 TF 4.

***DENTAL PROGRAM - APPROVED - EFFECTIVE NOVEMBER 1, 1985 - AGREEMENT WITH BLUE CROSS/BLUE SHIELD AUTHORIZED FOR EXECUTION

The Council, at it's regular meeting on August 6, authorized Administration to negotiate a dental insurance program with Blue Cross/Blue Shield. Funding for this program was approved in this year's budget.

A proposal has been received and reviewed. It contains the following dental benefits:

- Diagnostic and Preventive Services - 80% of charges

- Primary Service (Maintenance & Surgical) - 80% of charges
- Prosthetic & Restorative Services - 50% of charges
- Periodontic Services - 50% of charges

The plan has no deductible and allows a maximum of $1,000 per member annually.

The projected City cost for this fiscal year, based on 2000 employees, is $106,400. Sufficient funds are currently provided in the budget.

The rates have been confirmed by Blue Cross/Blue Shield and are as follows:

- Individual	- $ 6.65 per month
- Parent/Child	- $12.24 per month
- Family	- $22.66 per month

The City will pay the full employee cost. Dependent coverage will be paid by the employee.

An effective date of November 1, 1985, would provide for enrollment during September with payroll deductions (for parent/child and family coverage) beginning with the first pay period in October.

Recommendation: That the Council approve the proposed dental plan to be effective November 1, 1985, and authorize execution of the agreement with Blue Cross/Blue Shield. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***PERSONNEL - POSITION RECLASSIFICATION IN DEPARTMENT OF TRANSPORTATION - APPROVED

The position of Traffic Engineer Technician has been reviewed in the context of the workload of development construction projects and associated road projects. It is necessary to reclassify this position to Civil Engineer I and to recruit a qualified person to fill the position and handle the complexity of duties which are necessary to be performed. This would be a reclassification of a Technician position at Grade 31 to an Engineer position at Grade 35.

Recommendation: That the reclassification be approved. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***PERSONNEL - READJUSTMENT IN PERSONNEL TO SUPPORT REVISED PARKS-GREENWAY COMMITTEE AND GREENWAY DESIGN EFFORTS - CHANGES AUTHORIZED - FUNDS TRANSFERRED

With the adjusting of the structure of the advisory committees of the Parks and Greenway Programs, it is desirable to consolidate the staff support from two departments to the Parks and Recreation Department.

It is proposed that the Greenway Planner in the Planning Department be transferred to the Parks and Recreation Department. To provide additional greenway design assistance, it is proposed that a new Drafter II position be approved. The budgetary impact would be as follows:

Transferred From:		
01-2-1040-0001	Contingency - Gen. Government	$19,888
01-2-1220-0100	Salaries-Planning	17,370
		$37,258
Transferred To:		
01-2-6000-0100	Salaries - P&R	$32,758
01-2-6000-0740	Office Equip. - P&R	4,500
		$37,258

Recommendation: That the staff reassignment, new position, and budgetary adjustments as outlined on the Agenda be upheld. Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 631 TF 4.

***ACREAGE FEE SCHEDULE - ADJUSTMENT - ORDINANCE ADOPTED

September 5, 1985, is the effective date for the Code change which limits the residential density in O&I districts to 10 units per acre unless the owner gets a special use permit for a higher density. Footnote Number 1 in our acreage fee table [Section 8-2031(a)] should be amended to reflect the higher densities through special use permits. It is suggested that the following sentence be added to footnote Number 1 in Section 8-2031(a):

"In the case of a special use permit for a higher residential density in the Office and Institution districts, acreage fees will be based on the residential zoning district which would first allow that number of units to be built."

Recommendation: That Council approve the above change for Section 8-2031(a) and establish the effective date as September 5, 1985. Consent Agenda approval: Congleton/Calloway - 8 ayes.

ORDINANCE NO. (1985) 628

AN ORDINANCE TO AMEND SECTION 8 OF THE CITY OF RALEIGH CODE ENTITLED, "PUBLIC UTILITIES"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following sentence be added to Footnote Number 1 in Section 8-2031(a) of the City of Raleigh Code:

"In the cast of a special use permit for a higher residential density in the Office and Institution districts, acreage fees will be based on the residential zoning district which would first allow that number of units to be built."

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective September 5, 1985.

***SPECIAL POPULATIONS - PROGRAM BUDGET - AUTHORIZED

The Wake County Area Mental Health Agency has approved a grant of $68,447 for the Special Populations Program. The Agenda outlined a budget amendment that needs to be approved to account for these funds in that amount.

Recommendation: That the budget amendment be approved and the grant of $68,447 be accepted. Consent Agenda approval: Congleton/Calloway - 8 ayes.

RESOLUTION NO. (1985) 629

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Special Populations Program Budget be amended as follows to reflect acceptance of Special Populations Grant:

REVENUES:

02-1-6710-0100	A.M.H. - Wake County	$68,447
02-1-6710-0101	Special Populations - City	30,028

EXPENDITURES:

02-2-6710-000	A.M.H. - Special Populations	$ -0-
02-2-6710-0100	Salaries	78,907
02-2-6710-0101	Fringe Benefits	10,033
02-2-6710-0102	Audit Cost	375
02-2-6710-0213	Reg. & Sub.	450
02-2-6710-0225	Rep. to Buildings	35
02-2-6710-0226	Rep. to Office Equipment	150
02-2-6710-0228	Telephone & Postage	35
02-2-6710-0230	Motor Vehicle M&O	4,415
02-2-6710-0231	Travel	300
02-2-6710-0237	Car & Bus Rental	2,230
02-2-6710-0240	Photocopy and Print	185
02-2-6710-0260	Office & Other Supplies	975
02-2-6710-0265	Athletic Supplies	110
02-2-6710-0266	Insurance and Bonds	275

***COMMUNITY DEVELOPMENT - REHABILITATION GRANT - APPROVED

The following housing rehabilitation grant has been reviewed and meets the City's requirements:

Katie B. Collins
800 South Bloodworth Street
Grant amount: $9,000

Recommendation: That the grant be approved. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***CITY MARKET PROJECT - PUBLIC HEARING - AUTHORIZED: AMENDMENT TO RESOLUTION - ADOPTED

a. A public hearing should be authorized for the October 1, Council Meeting. This is required by the Internal Revenue Code (Section 103 k) prior to final Council approval of the issuance of the redevelopment revenue bonds for the City Market project. Bond closing is not expected until after October 15.

Recommendation: That the public hearing for October 1, 1985, be approved.

b. Council Resolution 1984-506, dated April 19, 1984, has a section which concerns offering partnerships in the City Market project in exchange for property. Cranston has developed criteria for qualifying partnerships and these have been

reviewed with the Downtown Committee. It is desirable to amend the resolution, Section 2.A to reflect that qualifying conditions are required as part of their assemblage of the equity for the project. Copies of the current resolution and proposed amendment were in the Agenda packet.

Recommendation: That the amendment to the resolution be approved. Consent Agenda approval - Congleton/Calloway - 8 ayes.

RESOLUTION NO. (1985) 926

AMENDMENT TO RESOLUTION NO. (1984) 506 - OLD CITY MARKET REDEVELOPMENT PLAN

WHEREAS, the City of Raleigh adopted by Resolution on April 19, 1984, the Old City Market Redevelopment Plan; and

WHEREAS, said Resolution (1984) 506 contained certain conditions upon the adoption of the Old City Market Redevelopment Plan concerning requirements of the developer; and

WHEREAS, Section 2.a. of said Resolution required the developer to offer limited partnerships in the development to property owners in the project area in exchange for property on an equitable basis; and

WHEREAS, the designated developer of the City Market Project is Cranston Development Company; and

WHEREAS, the developer has asked the City to amend said resolution to reflect certain difficulties in fulfilling the conditions in Section 2.a. due to certain requirements for the sale of partnerships under State and Federal law; and

WHEREAS, the Downtown Committee of the City Council has considered the question of property owners participation in project equity on July 23, 1985, with reference to correspondence from the developer's attorney dated July 20, 1985.

THEREFORE, BE IT RESOLVED THAT:

Section 2.a. of Resolution No. (1984) 506, dated April 19, 1984, is hereby amended to read in its entirety as follows:

"2.a. offer limited partnerships in the development to interested property owners in the project area who qualify as accredited investors according to Securities Exchange Commission regulations and who would purchase partnership units on an equivalent basis to other limited partners."

***CYSTIC FIBROSIS FOUNDATION - BIKE-A-THON - USE OF CITY STREETS APPROVED WITH CONDITIONS

Ms. Dorothy A. Suber, representing the Cystic Fibrosis Foundation, requests permission from the City Council to conduct a Bike-A-Thon on Saturday, October 12, 1985, from 1:00 to 5:00 p.m. She has requested an inclement weather date of Sunday, October 13, 1985, with the same time frame. The Bike-A-Thon will start at the dead end of Spring Forest Road at the Seaboard Coastline Railroad and proceed east on Spring Forest to Green Road and return west on Spring Forest to the starting point. The sponsors will use the inside travel lane on Spring Forest Road for their east and west direction of travel. (A copy of the bike route was included in the Agenda packet.) The applicant will use U. S. Army Reserve personnel and some Raleigh firefighters for traffic control and safety.

Recommendation: That approval be granted subject to the sponsors providing necessary signs and barricades and providing they furnish safety monitors along the entire route to include the intersections of Spring Forest at Departure Drive and Spring Forest at Green Road. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***TAXICAB OWNER'S PERMIT - APPROVED ON SECOND AND FINAL READING

During the Council Meeting on August 6, 1985, the following application for taxicab owner's permit was approved on the first reading:

Avery Donald Lee, Airline Cab Company (Renewal of Individual Owner's Permit)

Recommendation: That the application be approved on second and final reading. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***TAXICAB OWNER'S PERMIT - APPROVED ON FIRST READING - TO BE PLACED ON SEPTEMBER 17, 1985 AGENDA

Application has been received from the following to operate a taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code.

Joseph Haley, Jr., Strop Taxi Company (New Individual Owner's Permit)

Recommendation: That the application for taxicab permit be approved with the understanding the application would be placed on the Council Agenda for September 17, 1985, for second and final consideration. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***BUDGET AMENDMENT - CITY MANAGER'S BUDGET - APPROVED

The Agenda presented a budget amendment in the amount of $5,000 to fund Hymettus Woods Park.

Recommendation: Approval of the budget amendment as outlined on the Agenda. Consent Agenda approval: Congleton/Calloway - 8 ayes.

ORDINANCE NO. (1985) 630

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985-1986 Budget be amended as follows to fund Hymettus Woods Park:

Revenue:	37-1-0070-0200	Hymettus Woods Park	$ 5,000.00
Expense:	37-2-3000-0195	Hymettus Woods Park	$ 5,000.00

Section 2. That the 1985/1986 Budget be amended as follows to provide adequate funds to cover unexpected increases in liability insurance for the transit system:

Revenue:	42-1-8000-0100	UMTA	$107,469.00
	42-1-8000-0102	General Fund	107,470.00
Expense:	42-2-9010-0291	Operating Deficit	$214,939.00

Section 3. That the 1985/1986 Budget be amended as follows to provide necessary funds to acquire certain lands for the development of low-moderate housing:

Revenue:	43-1-3000-0302	Program Income	$110,000.00
	43-1-3000-0303	Urban Renewal Land	40,000.00
Expense:	43-2-3020-2802	Acq. Real Prop/ Car. Fuller Heights	$150,000.00

***PRIVILEGE LICENSE - REQUEST FOR REFUND - APPROVED

Mr. Starr B. Foarde, representing Wilmington Street Gulf, located at 2570 South Wilmington Street, has given written request for a refund of $12.50 for the 1985-1986 privilege license year. The reason for this request is an overpayment of this year's taxes. Administration has verified this request.

Recommendation: That this request for refund be approved. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***CONDEMNATION - NORTHCLIFT SUBDIVISION AREA - RESOLUTION ADOPTED

Efforts have been unsuccessful to obtain needed right-of-way, therefore, we are recommending that a resolution of condemnation be authorized:

Name - Lincoln Lynn Road Associates, Ltd.

Site Location - Northclift Subdivision to Summit Springs Subdivision

Project Name - Proposed Lynn Road 20-foot Sanitary Sewer

Recommendation: That a resolution be authorized. Consent Agenda approval: Congleton/Calloway - 8 ayes.

RESOLUTION (1985) 927

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF LINCOLN LYNN ROAD ASSOCIATES, LTD.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by Lincoln Lynn Road Associates, Ltd., for the following public purpose:

To protect the public health, to provide the public with an adequate and sound sewage collection and disposal system, and to improve such system to meet the need for expanded or upgraded services, specifically to construct and install a sanitary sewer main across the property of Lincoln Lynn Road Associates, Ltd.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

An easement to construct, install, maintain, repair and use a sanitary sewer main, together with all necessary fixtures and appurtenances, in, across and over the area identified as "NEW 20' SANITARY SEWER EASEMENT" across the property of Lincoln Lynn Road Associates, Ltd., as shown on a map recorded in Map Book 1985, Page 1529, Wake County Registry.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

***CIVIC CENTER - CHANGE ORDER 771-G10-REV - APPROVED

Change Order 771-G10-REV - Security Building Company, Inc., was presented. The change order relates to the Civic Center toilets and storage addition. The change order is for an addition of $1,198. It was pointed out if this change order is approved, the encumbrance in Code Account 40-2-1510-0101 should be made.

Recommendation: Administration recommends approval of the change order as outlined. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council members received in their Agenda packet a list of Administrative transfers which have been authorized according to Council procedure. The transfers were as follows:

FROM	TO	AMOUNT
01-2-1150-0260	01-2-1150-0226	$ 6.00
39-2-5110-0201	39-2-5110-0203	$386.00
01-2-1170-0260	01-2-1170-0709	$276.00
06-2-7050-0258	06-2-7050-0705	$ 7.06
01-2-4020-0221	01-2-4020-0921	$400.00
43-2-3130-0100	43-2-3140-0100	$400.00
	43-2-3140-0101	$100.00
43-2-3080-0100	43-2-3060-1802	$842.31
19-2-8240-0700	19-2-8240-0279	$250.00
37-2-2382-0100	37-2-2382-0104	$100.00
43-2-3130-0100	43-2-3120-0100	$405.00
	43-2-3140-0100	$330.00
	43-2-3140-0101	$ 35.00
	43-2-3130-0260	$ 30.00
01-2-1200-0212	01-2-1200-0237	$120.00
01-2-5020-0265	01-2-5020-0700	$350.00

Recommendation: Concurrence with the Manager's action on the Administrative transfers is recommended. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***TRANSFERS - WITHIN VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the offices of the City Manager, Community Development, Engineering, Finance, Parks and Recreation, Public Works, Safety and the Department of Transportation. The Agenda outlined the affected code accounts as well as the reason for the transfers.

Recommendation: That the transfers as outlined on the Agenda be upheld. Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 631 TF 4.

***BID REQUEST 7-104-85 - ROAD MAINTENANCE SALT - BID AWARDED TO CARGILL, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on August 5, 1985, for approximately 1,000 tons of road maintenance salt with results as follows: Cargill, Inc. - $36,000; Morton Salt - $36,333; International Salt - $37,480.

Recommendation: That the low bid submitted by Cargill, Inc., be awarded. Consent Agenda approval: Congleton/Calloway - 8 ayes.

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the traffic code relating to channelization on Gardner Street at Hillsborough Street with it being pointed out this would be a non-codified ordinance relating to construction vehicles in that vicinity. The Agenda also presented recommendations relating to stop sign installations on Columbia Drive at Bennett Street, Joe Louis Avenue at Sherrybrook Drive and Merrywood Drive, both approaches to Joe Louis Avenue.

Recommendation: Administration recommends approval of the traffic changes as outlined. Consent Agenda approval: Congleton/Calloway - 8 ayes.

ORDINANCE NO. (1985) 632

AN ORDINANCE TO TEMPORARILY AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Schedule 6B4 entitled, "CHANNELIZATION," be amended by adding the following:

Hillsborough Street, eastward at Gardner Street, except construction vehicles

Amend said Schedule further by deleting the following:

Hillsborough Street, westward at Gardner Street, except trucks from 10:00 p.m. to 7:30 a.m.

Hillsborough Street, eastward at Gardner Street, except trucks from 10:00 p.m. to 7:30 a.m.

Section 2. That this ordinance, being temporary in nature, shall not be entered into the official Traffic Schedule.

Section 3. That this ordinance shall become effective upon its adoption and shall remain in effect until completion of construction.

ORDINANCE NO. (1985) 633

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled, "STOP SIGNS," be amended by adding the following:

Columbia Drive at Bennett Street
Joe Louis Avenue at Sherrybrook Drive
Merrywood Drive at Joe Louis Avenue

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective September 10, 1985.

***END OF CONSENT AGENDA

***HOUSING UNITS - DISPOSAL OF SURPLUS - APPROVED CONDITIONALLY

There are two houses on property which the City has purchased for the Atlantic Avenue extension. These structures can be moved and reused.

Recommendation: That Council authorize the sale of these two structures by sealed bid. The bids would be brought back to Council for approval.

Mrs. Block indicated she withdrew this item from the Consent Agenda, pointing out we are in desperate need of housing in the City. She questioned if there is anything in the vicinity, a project or such, being carried on by the City to which we could move these houses and convert them into rental units. City Manager Benton indicated we have nothing active in this area. He stated the main problem is how much it will cost to move them to an active project. Mrs. Block moved approval of the sale with the stipulation that Administration would examine the cost benefit of keeping the houses and reusing them in another location. Her motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***TRAFFIC - NO PARKING ON BEDFORD AVENUE - REFERRED TO THE PUBLIC WORKS COMMITTEE

The Department of Transportation recommends that a "no parking" zone be established on Bedford Avenue, both sides, between Chamberlain and Latta Streets, 9:00 a.m. to 5:00 p.m., Monday through Friday.

This request is the result of a petition of the area residents who have cited driveway and sidewalk blockage and general traffic congestion in this vicinity. There is sufficient off-street parking to accommodate this on-street removal.

Mrs. Cates indicated she removed this from the Consent Agenda, pointing out she had people express concern that we may be taking too much parking away from the people who live in the area. Therefore, she would request that this item be referred to the Public Works Committee to look at it further. Without objection, the item was so referred.

***TRAFFIC - NO PARKING ON PORTIONS OF EAST EDENTON STREET - REFERRED TO THE PUBLIC WORKS COMMITTEE

The Department of Transportation recommends that a "no parking" zone be established on Edenton Street, north side, beginning at a point 210 feet east of Person Street, eastward 44 feet.

This is the result of a request from an area business which cited the need for improved sight distance in addition to improved ingress and egress for their business driveway. This action will result in the loss of one on-street space.

Mr. Walters indicated he withdrew this item from the Consent Agenda, pointing out he went out and walked the area, and from his calculations, it looks like we are restricting parking on the street adjacent to a parking lot, and this seems unusual to him. Therefore, he would move that this item be referred to the Public Works Committee to further study it. Without objection, the item was so referred.

SPECIAL ITEMS

***RALEIGH SENIOR GAMES - INSTALLATION OF EQUIPMENT - FUNDS APPROPRIATED

During the August 6 meeting, Mr. Congleton brought up an item relative to Raleigh Senior Games receiving a grant to put in shuffle board and horseshoe pits. He stated they have asked for assistance from the City as it relates to installation of this equipment. The item was referred to Administration to come up with a good, well planned situation that would benefit everyone and it was requested that the item be placed on this Agenda for a report.

City Manager Benton indicated Administration did send the Council some information in the Agenda packet about this item. He explained the City is being asked to fund a Parks and Recreation construction project that is to be done on school property basically by a non-government group - Greater Raleigh Senior Games. He indicated it is a somewhat unusual request, and $5,000 is the amount being requested. He stated if the Council wanted to pursue this, it would have to come out of Parks Capital unappropriated. He stated if the City does provide this funding, it should be with the condition that the City would have an opportunity to use these facilities and the facilities would be open to the public. Mr. Congleton moved that the City fund the $5,000 from Park Capital unappropriated. His motion was seconded by Mrs. Block. Ms. Babb questioned if there is money left in contingency funding, with City Manager Benton indicating the Parks Capital has a contingency account. He stated the City does have the choice of funding this out of general fund contingency. Ms. Babb questioned why the Manager recommended Parks Capital unappropriated. City Manager Benton indicated this is just consistent with past recommendations; that is, park construction programs normally come out of Parks Capital and general fund is usually associated with operational type items. Mr. Calloway questioned if this is a one time request, with City Manager Benton indicating he understands it is a one time request for constructing facilities. He stated he was not aware of any further commitment on the part of the City or any future commitment. Mr. Congleton explained it is an ongoing program, and in October, Raleigh will host the Statewide Senior Games. He stated this is a one time request. Mrs. Cates indicated she would like to follow up on Ms. Babb's comments. She stated this had not gone before the Parks Board, and there is some feeling that the Parks and Recreation Board should have an opportunity to see things like this before the City Council takes action. Therefore, she would make a substitute motion that the request be approved but the funding come from general fund contingency. Her substitute motion was seconded by Ms. Babb. Mrs. Block indicated she understood there would be over $139,000 left in the Parks unappropriated funds even if this request is granted. Mr. Walters stated the City Manager had made a recommendation, and he feels that should be followed. He indicated it is the City Council that is ultimately responsible for expenditure of funds, not the Parks and Recreation Advisory Board. Mrs. Cates indicated she did not have a real strong feeling about this, but she felt something of this nature should be run by the Parks Board and get input from them or any funding from the Parks program should be run by them. She stated she would like the Council to give the message that this type item should go through the Parks Board before coming to the Council, pointing out the City Council did set up the Parks Board to review this type matter. The substitute motion was put to a vote which resulted in Mrs. Cates and Ms. Babb voting in the affirmative and the remainder of the Council voting in the negative. The Mayor ruled the motion defeated. The original motion to fund the $5,000 from Parks Capital unappropriated was put to a roll call vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 631 TF 4.

***HOUSING - NCNB CDC AGREEMENT - APPROVED AS AMENDED

At the recommendation of the Downtown Committee, it was agreed to place the proposed agreement with the NCNB CDC on this Agenda. Administration has been asked to work with the Neighborhood Task Force as well as NCNB to resolve four concerns expressed by the Task Force. It would be appropriate to consider a report from Administration and consider the proposed agreement.

City Manager Benton briefly explained the history of this project, pointing out the item before Council today is the agreement with NCNB CDC which is a working framework agreement. He indicated the Downtown Committee and the East Side Neighborhood Task Force had reviewed the agreement, and there were four areas of concern. He indicated the four questions have been addressed and were sent to the Council in a memo dated August 29, 1985. He stated as far as the relocation policy is concerned to clarify this issue, it is proposed that the City use the uniform relocation policy for residential relocation as a part of the use of Community Development funds in the Downtown East Program for various appropriate land assembly activities. This means that the City would commit to use a portion of the annual CD funding to support appropriate residential relocation requirements. For commercial relocations, it is proposed that the City use the Council-approved relocation policy now being applied to the City Market Project.

City Manager Benton indicated the second item of concern related to investment of CDC profits, and it is proposed that this section of the agreement clarify that the

profits on the sale of housing by CDC in this area would, for the first five years of the agreement, be assigned to development of affordable housing as a first priority.

Mr. Benton indicated the third item of concern related to land acquisition, and the City Administration has agreed to include in its notifications to individuals who are selling land to the City that they may wish to obtain their own "expert" advise on the value of their land with such costs being clearly at their expense.

City Manager Benton explained the fourth area of concern relates to the minority contractor involvement. He presented Council members with an amendment to the redevelopment agreement dated September 3, 1985, as follows, explaining the underlined sections are changes:

Section 8.05 - Business Assistance Program, Page 17

NCNB CDC acknowledges the City's Business Assistance Program dated May 30, 1983, and will fully comply with the spirit and intent of that program.

Consistent with that spirit, NCNB CDC proposes to participate with the City in the outreach effort designed (1) to identify qualified minority subcontractors, suppliers, material and related firms; (2) to thoroughly acquaint such firms or individuals with plans and specifications of various redevelopment projects through pre-bid conferences and other communications methods; and, (3) to encourage such firms to submit competent bids for performance of work related to such redevelopment projects.

To enhance the opportunity for minority business participation in this project, the City will:

1. Designate a staff person to coordinate the specified efforts which focus on involving minority firms in this project;

2. Arrange for technical training through St. Augustine's College for minority firms or individuals who wish to participate in this project;

3. Work with CEDCO to adjust standards on use of CEDCO funds so that they can make working capital available to qualified subcontractors.

The City and NCNB CDC will review construction projects for the purpose of modifying contract work to as small segments as feasible to provide for efficient construction and facilitate the submittal of bids by minority contractors.

To provide for a thorough analysis of the availability of qualified minority contractors in the Raleigh area, the City will appropriate $30,000 for the purpose of conducting a study and supporting a technical training program at St. Augustine's College.

This study will be commenced as soon as possible with completion expected within six months. The City will obtain the advice of the Downtown East Neighborhood Task Force on the scope of the study and the type of consultant to undertake the work. The City will make final decisions on all elements of the study.

The City acknowledges NCNB CDC's need for its redevelopment projects to award construction contracts to qualified firms and/or individuals on a "low-bid" basis. Consistent with that understanding, the City agrees that it will in no way interfere with NCNB CDC or the project general contractor designated from time to time on a redevelopment project, in the award of construction contracts on a "low-bid" basis consistent with the custom and trade of the Raleigh area.

Recognizing the legal and economic reality of the "low-bid" process and, at the same time, the need for equity and fair treatment to minority firms and individuals as expressed in the City's Business Assistance Program, the City and NCNB CDC hereby pledge their best efforts to obtain a minority engagement target in the range of 7.5 to 10 percent of the value of all construction contracts awarded on redevelopment projects commencing between the date of this agreement and December 31, 1986.

For subsequent years covered by this agreement as per Section 8.06, the City and NCNB CDC agree to evaluate annually the results of the Best Efforts Program, the Minority Business Affirmative Action Program, and the results of the Minority Contractors Study and to mutually agree on modifications to the Best Effort Target for the construction contracts included in subsequent phases covered by this agreement. All these steps will be monitored and a report of progress made quarterly.

City Manager Benton indicated it is Administration's recommendation to adopt this agreement with the changes as outlined today. Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Mrs. Cates.

Mrs. Block indicated there is an item on the evening Agenda in which John P. Greene wants to speak to this subject. She stated she feels we should hold action to hear what Mr. Greene has to say. Mr. Greene stated the reason he requested to get on the Agenda related to the items that were presented by Mr. Benton. He stated their problem had been resolved by the amendments presented by Mr. Benton today. Mr. Calloway commended the Task Force and Administration for the hard work to hammer out

the differences relating to this agreement. Mr. Walters questioned if these amendments had gone to the Downtown Committee, with City Manager Benton indicating the Downtown Committee asked him to report directly to the full Council. Mrs. Block stated this agreement will result in tremendous advantages for the neighborhood. The motion as stated was put to a roll call vote and resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

City Manager Benton indicated there is a $30,000 appropriation that will need to be set up. He stated there are other funding items that will have to be brought back to Council, but with the action today, we can proceed with the agreement.

***REZONING Z-49-85 - BLAND ROAD - DENIED

This application calls for rezoning approximately 2.2 acres from Residential-6 to Office and Institution-I. CR-5691 from the Planning Commission recommended that the case be denied. A copy of the CR was included in Council Members' Agenda packet. During the August 6, Council Meeting, it was agreed to place this item on this Agenda for further consideration.

Mr. Walters indicated, at the beginning of the meeting, he passed out a petition signed by sixteen residents of the neighborhood supporting denial of this application. Therefore, he would move the Planning Commission's recommendation of denial be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***REZONING Z-50-85 - BLAND ROAD - DENIED

This application called for rezoning approximately 1.6 acres from Residential-6 to Office and Institution-I. CR-5692 from the Planning Commission recommended that the case be denied. During the August 6, Council Meeting, it was agreed to place this item on this Agenda for further consideration. A copy of the CR was included in the Council Members' Agenda packet.

Mr. Walters indicated, at the beginning of the meeting, he passed out a petition signed by sixteen residents of the neighborhood supporting denial of this application. Therefore, he would move the Planning Commission's recommendation to deny be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TC-19-85 - RESIDENTIAL-30 SPECIAL USE AMENDMENT - TO BE PLACED ON SEPTEMBER 17 AGENDA

A copy of CR-5688 from the Planning Commission, which recommended that this text change be denied, was included in the Agenda packet. During the August 6, Council Meeting, the item was discussed. The action at that meeting was to place the matter on this Agenda for further consideration.

Mrs. Block moved that the Planning Commission's recommendation be upheld. Her motion did not receive a second. Mrs. Cates indicated at the last meeting, she had asked that this item be held. She stated since that time, she has been working with a group of people, including businessmen in the area and had dialogue with them about this proposed text change. She stated she believes this dialogue will result in an improved modification of the text change. However, the Planning Department and the legal staff will have to review the proposal. She stated she would like to get something to each Council member before the next Council meeting so that the Council can have an opportunity to review the content. Therefore, she is requesting that this item be held for a report from Administration. She indicated she felt the group of people who had studied the proposed text change was very objective and what would result would be a benefit to this neighborhood and the future of the neighborhood and to those people who want to do work in the neighborhood. She asked the Council's indulgence in allowing a little more time which would allow the Planning staff to come up with this modified text change. She stated she hoped that they would have it ready by the next meeting. She stated we need to get this done as soon as possible, and if the staff could come up with the wording for the modified text change, she would get it back to the group to make sure that what they come up with is correct. She suggested that this item be held until this work is finished. After brief discussion, Mrs. Cates moved that this item be held until a report is received from Administration. Her motion was seconded by Mrs. Block.

Mr. Walters indicated the Planning staff drew up the existing text change to clarify the ordinance, and it has been hanging around long enough. Therefore, he feels we should go ahead and take a vote. Mr. Congleton questioned if the staff is working on something that will be submitted back to Council. Planning Director Chapman indicated there was a meeting to discuss the text change, and there were issues raised that suggested to staff that maybe refinement to the proposed amendment could be done. He stated the Planning staff has not drafted those changes at this time, but he would hope that it could be drafted by the next meeting. Ms. Babb questioned if these additional changes will require another public hearing, with Planning Director Chapman indicating he could not answer that until the text change is drafted, but he did not think so. Ms. Babb indicated she generally supported an item being held or going to Committee in order to give people an opportunity to study an item. She stated, however, she could not support holding this item today as it has gone on and on. She stated she feels we should move on, and if there are additional clarifications that are needed, then they could be made later. She stated we could have another text change if necessary, but she really feels we have delayed this one long enough, and we need to go ahead and decide. Mrs. Cates indicated if we approve the text change today, it would not end. She stated there are other areas of our Res-

idential-30 Special Use that need to be clarified. She spoke briefly to what the Residential-30 Special Use is and the proposed amendment and the clarifications that are needed and urged the City Council to vote for her motion. After other discussion, Mr. Walters made a substitute motion to approve the text change. His substitute motion was seconded by Ms. Babb. The substitute motion was put to a vote which resulted in Mr. Walters and Ms. Babb voting in the affirmative and the rest of the Council voting in the negative. The Mayor ruled the motion defeated. The original motion which the Mayor clarified as being a motion to place this item on the September 17 Agenda as a special item was put to a vote with results as follows: Ayes - Block, Cates, Congleton, Keller, Upchurch; Noes - Babb, Calloway, Walters. The Mayor ruled the motion adopted.

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. The following items were pulled by the person indicated: Keller - CR-5733 (SC-35-85); Congleton - CR-5716 (PA-95-85), CR-5725 (PA-102-85), CR-5726 (S-137-85) and CR-5717 (PA-9685); Cates - CR-5722 (PA-100-85), CR-5737 (SC-45-85), CR-5738 (S-123-85), and Ms. Cates indicated she would like to be excused from participation in CR-5749 (S-126-85); Upchurch - CR-5748 (S-104-85); Block - CR-5735 (SC-37-85), CR-5742 (S-133-85) and CR-5751 (TC-14-85). Without objection, these items were removed from the Consent Agenda. Mr. Calloway moved that the Planning Commission's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***GH-6-85 - CTS/LEESVILLE APARTMENTS (FORMALLY PACE'S LEA) - APPROVED WITH CONDITION

This was a request for approval of a 166-unit apartment complex to be developed on a 17.02 acre tract, zoned Residential-6. This tract is part of a previously approved cluster unit development, Westlake Village (S-55-85).

The property is located at the southeast corner of the Leesville Road-Glendower Avenue intersection, inside the City Limits.

CR-5715 from the Planning Commission recommended that this request be approved according to a map entitled, "CTS/Leesville, An Apartment Complex," the property of Crow, Terwilliger and Simpson, Incorporated, dated June 28, 1985 (with revisions), with the following conditions: (1) That the Greenway easement dedication adjoining Lake Lynn be accepted; and (2) that all dumpster sites be reviewed and approved by the Public Works Department prior to issuance of building permits. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SUBDIVISION S-125-85 - SALEM SQUARE CONDOMINIUMS - APPROVED

This was a request for approval to construct a total of 312 condominium units on two tracts, zoned Office and Institution-I. Tract 1 includes 14.21 acres with 240 units, and Tract 2 includes 4.27 acres with 72 units.

The property is located on the east side of Pleasant Pines Road, just north of the intersection with US 70 West, outside the City Limits.

CR-5718 from the Planning Commission recommended that this request be approved according to a map entitled, "Salem Square Condominiums," developed by Jordan H. Parker, drawn by Chance/Cory Associates, dated June 31, 1985, revised July 19, 1985. Consent Agenda approval: Calloway/Cates - 8 ayes.

***PA-99-85 - RALEIGH MEDICAL GROUP OFFICE BUILDING - APPROVED

This was a request for approval to construct a 17,900 square foot office building on a 1.42 acre undeveloped parcel, zoned Office and Institution-I.

The property is located on the east side of Six Forks Road, north of Barrett Drive, and on the west side of Haworth Drive, inside the City Limits.

CR-5721 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Medical Group Office Building," developed by Raleigh Medical Group, PA, drawn by F. Carter Williams, dated July 8, 1985, revised August 2, 1985. Consent Agenda approval: Calloway/Cates - 8 ayes.

***PA-105-85 - SUMMER CREEK - APPROVED WITH CONDITIONS

This was a request for approval of 396 units in 17 buildings on 16.07 acres, zoned Office and Institution-I, at a density of 24.6 units per acre.

The property is located on Duraleigh Road, west side, north of Delta Lake Drive, inside the City Limits.

CR-5728 from the Planning Commission recommended that this request be approve according to a map entitled, "Summer Creek," the property of the Harlon Group of North Carolina, Incorporated, drawn by F. T. Green and Associates, dated July 29, 1985, with the following conditions: (1) That a detailed landscaping plan be approved by

the Planning Director prior to issuance of any building permits; and (2) that the private street name be approved prior to the issuance of any building permits. Consent Agenda approval: Calloway/Cates - 8 ayes.

***PA-107-85 - WELLINGTON WOODS VILLAGE APARTMENTS - APPROVED WITH CONDITIONS

This was a request for approval of 276 residential units on 11.9 acres, zoned Office and Institution-I and Office and Institution-III. No residences are located in the Office and Institution-III portion of the property.

The property is located off of Old Wake Forest Road, north of its intersection with Falls of Neuse Road, outside the City Limits.

CR-5730 from the Planning Commission recommended that this request be approved according to a map entitled, "Wellington Woods," the property of Epoch Properties, drawn by John Edwards and Company, dated July 1, 1985, with the following conditions: (1) That a recombination map be recorded showing one lot on this project prior to building permits being issued; and (2) that if a new east/west collector street is approved to the south of this site, that the driveway be relocated so that entrances be off this new collector street and not Wake Forest Road. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SUBDIVISION S-145-85 - WELLINGTON WOODS VILLAGE APARTMENTS - APPROVED

This was a request for approval to dedicate right-of-way and construct one-half of Memory Lane Extension adjoining the site, zoned Office and Institution-I.

The property is located off of Old Wake Forest Road, north of its intersection with Falls of Neuse Road, outside the City Limits.

CR-5731 from the Planning Commission recommended that this request be approved according to a map entitled, "Wellington Woods," the property of Epoch Properties, drawn by John Edwards and Company, dated July 1, 1985. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SC-34-85 - APPLEBEE'S RESTAURANT - APPROVED WITH CONDITIONS

This was a request for approval of a 4,300 square foot restaurant on .46 acre, zoned Shopping Center, which was previously approved as a 3,200 square foot "out parcel" building on SC-29-85, Festival at Six Forks.

The property is located at the southwest intersection of Sawmill Road and Six Forks Road, inside the City Limits.

CR-5732 from the Planning Commission recommended that this request be approved according to a map entitled, "Applebee's Six Forks," the property of Kin Restaurants, Incorporated, drawn by J. W. Harris and Associates, dated June, 1985, with the following conditions: (1) That cross access and parking agreements with the Festival at Six Forks Shopping Center be reviewed and approved by the City Attorney's Office prior to building permit issuances; and (2) that the facade treatment of the building and signage comply with the previously approved SC-29-85, as approved by the Planning Director, prior to building permit issuance. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SC-43-85 - NORTH HILLS MALL SHOPPING CENTER SIGN CRITERIA - APPROVED .

This was a request for approval of a sign criteria for the Mall and three outbuildings, zoned Shopping Center.

The property is located at North Hills Mall, between the Beltline, Six Forks Road, and Lassiter Mill Road, inside the City Limits.

CR-5736 from the Planning Commission recommended that this request be approved according to a document entitled, "Exhibit D, Exterior Signage Design Criteria, North Hills Mall," submitted by Quick and Associates, dated August 7, 1985. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SUBDIVISION S-124-85 - BRANSON SUBDIVISION - APPROVED WITH CONDITION

This was a request for approval to subdivide a .958 acre tract, zoned Residential-4, into three lots.

The property is located at the northeast corner of the intersection of Randolph Drive and US 70 (Glenwood Avenue), inside the City Limits.

CR-5739 from the Planning Commission recommended that this request be approved according to a map entitled, "Branson Subdivision, Division of Lot No. 463-248," the property of The Gadland Group, submitted by R. Clayton Narron, dated June 17, 1985, with the condition that the existing house be removed prior to the recording of the final plats. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SUBDIVISION S-128-85 - PANNONIA, PHASE 3 - APPROVED WITH CONDITION

This was a request for approval to subdivide a 7.97 acre tract, zoned Rural Residential, into four lots.

The property is located on the east side of Six Forks Road, at its intersection with Carpathian Way, outside the City Limits, within the Falls Basin.

CR-5740 from the Planning Commission recommended that this request be approved according to a map entitled, "Phase 3, Pannonia, Barton's Creek Township, Wake County, NC," the property of Pannonia Associates, submitted by Castleberry-Edgerton Company, revised date July 15, 1985, with the condition that on-site water and waste disposal facilities be approved by Wake County prior to recording final plats. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SUBDIVISION S-132-85 - DIESEL INJECTION - APPROVED

This was a request for approval to subdivide a 1.089 acre lot, zoned Industrial-I and presently containing a two-story building, into two lots.

The property is located on the north side of NC 54 (Chapel Hill Road), west of its intersection with Nowell Road, outside the City Limits.

CR-5741 from the Planning Commission recommended that this request be approved according to a map entitled, "Property of Diesel Injection," the property of Wando Associates, Incorporated, submitted by Staton and Associates, revision date August 3, 1985. Consent Agenda approval - Calloway/Cates - 8 ayes.

***SUBDIVISION S-134-85 - WEST HARMON CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 15.8 acre site, zoned Residential-6, into a cluster unit development of 57 single-family lots.

The property is located on the west side of Litchford Road at the intersection of Harps Mill Road, outside the City Limits.

CR-5743 from the Planning Commission recommended that this request be approved according to a map entitled, "West Harmon Cluster Unit Development," developed by Cities Development Company of Raleigh, Incorporated, drawn by John A. Edwards and Company, dated June 20, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and (2) that a storm-water management plan and program be developed and be approved by the City's Soil Conservation Staff and the Planning Department that would insure there would be a minimal adverse impact on downstream water quality. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SUBDIVISION S-135-85 - OXFORD WOODS - APPROVED

This was a request for approval to subdivide a 2.53 acre tract, zoned Residential-6, into 11 lots.

The property is located at the southeast corner of the intersection of Oxford Road and Carroll Drive, north of Avon Drive, inside the City Limits.

CR-5744 from the Planning Commission recommended that this request be approved according to a map entitled, "Preliminary Subdivision Plan for Oxford Woods," the property of Alton L. Smith, submitted by Jerry Turner and Associates, revised date July 31, 1985. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SUBDIVISION S-138-85 - BRENTWOOD ROAD MINI-WAREHOUSES - APPROVED WITH CONDITION

This was a request for approval to subdivide a 4.5 acre tract, zoned Industrial-II and developed as mini-warehouses and offices, into two tracts.

The property is located on the east side of Brentwood Road, on the north side of and adjacent to the Beltline, inside the City Limits.

CR-5745 from the Planning Commission recommended that this request be approved according to a map entitled, "Brentwood Road Mini-Warehouses," the property of the Charleston Group, submitted by John Schlichting, dated March 27, 1984, with the condition that a joint driveway access agreement be reviewed and approved by the City Attorney's Office prior to the recording of the final plat. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SUBDIVISION S-140-85 - CHARLES W. GADDY SUBDIVISION - APPROVED

This was a request for approval to subdivide a 7.34 acre tract, zoned Office and Institution-II and Residential-4, into two lots.

The property is located at the northwest corner of the intersection of Wake Forest Road and Waketowne Drive, inside the City Limits.

CR-5746 from the Planning Commission recommended that this request be approved according to a map entitled, "Charles W. Gaddy Subdivision, by Derward W. Baker," the property of Charles W. Gaddy, submitted by Kimley-Horn and Associates, dated April 19, 1985. Consent Agenda approval: Calloway/Cates - 8 ayes.

***SUBDIVISION S-141-85 - JOHN W. PEARCE SUBDIVISION - APPROVED WITH CONDITION

This was a request for approval to subdivide a 3.2 acre tract, zoned Residential-4, into two lots.

The property is located on the east side of Laurel Hills Road, just north of Edwards Mill Road, outside the City Limits.

CR-5747 from the Planning Commission recommended that this request be approved according to a map entitled, "Proposed Subdivision of John W. Pearce and Wife Property into Lots A & B, Meredith Township, Wake County, N.C.," the property of John W. Pearce and Wife, submitted by John Y. Phelps, RLS, dated June 18, 1985, with the condition that on-site water and waste disposal systems be approved by the Wake County Health Department prior to the issuance of building permits. Consent Agenda approval - Calloway/Cates - 8 ayes.

***SUBDIVISION S-126-85 - RICHLAND ESTATES - APPROVED WITH CONDITIONS

This was a request for approval to develop and subdivide 98 townhouse units on a 16.45 acre tract, zoned Residential-6.

The property is located on the west side of Duraleigh Road, just south of the Nello Teer Quarry site, outside the City Limits.

CR-5749 from the Planning Commission recommended that this request be approved according to a map entitled, "Richland Estates," the property of Homes for America, Incorporated, submitted by John W. Harris and Associates, dated June, 1985, with the following conditions; (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and (2) that a 300-foot variance from Section 10-3046(b) of the City Code - length of cul-de-sac - be granted in accordance with Section 10-3004 of same; and that the dedication of Greenway easement be accepted by the City. Consent Agenda approval: Calloway/Cates - 7 ayes (Mrs. Cates excused during vote on the Consent Agenda).

***TC-20-85 - EXISTING STRUCTURES IN FLOODWAYS - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to amend Section 10-4010 of the City Code to add a new subsection (c) which would, notwithstanding the provisions of subsection (a) of Section 10-4010, allow additions to be made to existing structures located in Floodway Districts upon certification to the City Council by the Federal Emergency Management Agency that the impact of the proposed addition will have no more than a negligible impact upon the floodway boundary.

CR-5752 from the Planning Commission recommended that TC-20-85 be approved as amended, according to the ordinance attached to CR-5752. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 634 TC 247

AN ORDINANCE TO AMEND THE REGULATIONS RELATING TO EXISTING STRUCTURES IN FLOODWAYS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. Section 10-4010 of the Raleigh City Code is hereby amended by adding a new subsection (c) thereto to read as follows:

"(c) Notwithstanding the provisions of subsection (a) above, additions may be made to existing structures located in Floodway Districts upon recommendation from the Corps of Engineers and upon a letter of approval from FEMA to the City Council that the impact of the proposed addition would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Final approval will lie with the Raleigh City Council.".

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance shall not become effective until approved by the Federal Insurance Administration.

Adopted: 9/3/85

Effective: See Section 3

***REZONING Z-92-85 - SCHAUB DRIVE - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 23 acres from Residential-10 to Residential-15 (18.9 acres) and Conservation/Buffer (4.31 acres).

CR-5754 from the Planning Commission recommended that Z-92-85 be approved as amended; that is, that 10.14 acres be rezoned to Residential-15 and 13.23 acres be rezoned to Residential-10. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 635 ZC 168.

***END OF PLANNING COMMISSION CONSENT AGENDA

***PA-95-85 - NORTH RALEIGH EYE ASSOCIATION - APPROVED

This was a request for approval to construct a 9,969 square foot office building on .8 undeveloped acre, zoned Office and Institution-III.

The property is located on the east side of Six Forks Road and on the south side of Mine Lake Court, inside the City Limits.

CR-5716 from the Planning Commission recommended that this request be approved according to a map entitled, "North Raleigh Eye Association," developed by Buildtek, Incorporated, drawn by Richard Boggs, dated July 10, 1985, revised July 19, 1985.

Planning Director Chapman explained the plan with Chairman McNeely indicating this was on the Planning Commission Consent Agenda and was not discussed. Mr. Congleton explained he pulled this item from the Consent Agenda, pointing out he has a couple of questions relative to the widening of Six Forks Road. He explained this property is a very steep site and questioned if the City had acquired the right-of-way for Six Forks Road widening, questioning if we need additional right-of-way, should we be looking at it in terms of this parcel. He stated, in addition, because of the steepness of this site, he does not know if grading will cause problems. City Manager Benton indicated the plans show right-of-way for the corridor. He stated we do not know whether we will have to acquire any slope easements at this point. Mr. Congleton questioned if this is the time to ask that type question. Planning Director Chapman pointed out this is a plan approval, not a subdivision. He stated it is felt the design of these facilities are such that it will not infringe on any road right-of-way work. He stated the dedication of the right-of-way was not addressed in this plan approval. City Manager Benton explained the subdivision process requires dedication and construction of roads. He stated in the site plan approval process, we do not have that authority. He stated that will come along in the facility fee regulations, but we are not at the point of transferring the enabling legislation for facility fees into local ordinances. Discussion followed with City Manager Benton indicating the right-of-way on the plan shows a ninety-foot right-of-way, so he feels that question has been addressed in this plan. He stated we do not know if construction easements or slope easements are needed on this site until we get into final design. Mr. Congleton questioned if we can approve this plan contingent upon appropriate slope easements being obtained. He stated he feels we need to address these things as we go along. Mr. Walters indicated if the staff, Planning Commission, etc., have recommended approval and we have the adequate right-of-way, he does not know if we can hold up this plan. Mr. Walters suggested tabling this item and let Administration check into the situation and report back later in the meeting.

During the night portion of the meeting, City Manager Benton indicated we are not in the position to identify the slope easements that will be needed on this property. He stated he does not believe there will be conflicts between the road construction and the building due to the setbacks on this site plan. He stated if we do have to acquire slope easements or construction easements, he does not feel we will have to get involved with the actual building or parking lot. Mr. Congleton indicated he feels this is just one of those things we need to look at at every opportunity, with City Manager Benton indicating we will be coming back subsequently with construction easement procedures. Mrs. Cates indicated it would seem we should encourage buildings to set back some additional footage just to make sure there is no conflict when we know a road widening project is in the process. After brief discussion, Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PA-96-85 - SALEM SQUARE CONDOMINIUMS - APPROVED WITH RIGHT-OF-WAY DEDICATION

This was a request for approval to construct a total of 312 condominium units on two tracts, zoned Office and Institution-I. Tract 1 includes 14.21 acres with 240 units, and Tract 2 includes 4.27 acres with 72 units.

The property is located on the east side of Pleasant Pines Road, just north of the intersection with US 70 West, outside the City Limits.

CR-5717 from the Planning Commission recommended that this request be approved according to a map entitled, "Salem Square Condominiums," developed by Jordan H. Parker, drawn by Chance/Cory Associates, dated June 31, 1985, revised July 19, 1985; and that the right-of-way dedication for Shelley Road Extension be accepted.

Planning Director Chapman explained the plan. Mr. Congleton indicated he pulled this item from the Agenda, but he has had his questions answered; therefore, he would move approval. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-100-85 - TECHCON OFFICE BUILDING - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to construct a 57,500 square foot, three-story, 46-foot high office building on a 2.95 acre undeveloped parcel, zoned Office and Institution-I.

The property is located on the west side of Blue Ridge Road, between Lake Boone Trail and Forest View Road, outside the City Limits.

CR-5722 from the Planning Commission recommended that this request be approved according to a map entitled, "Techcon Office Building," developed by Techcon Office Development Company, drawn by McNeely Associates, dated July 1, 1985, revised July 19, 1985.

Planning Director Chapman explained the plan. Chairman McNeely indicated this was on the Planning Commission Consent Agenda and there were no particular questions asked. Mrs. Cates indicated she has a few questions and has talked to staff about her questions but does not have them resolved. Therefore, she would request this item be referred to the Public Works Committee for discussion. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PA-102-85 - RALEIGH COMMUNITY HOSPITAL CONDOMINIUMS - APPROVED WITH CONDITION AND SUBDIVISION S-137-85 - RALEIGH COMMUNITY HOSPITAL CONDOMINIUMS - APPROVED WITH CONDITION

PA-102-85 was a request for approval to construct a four-story, 50-foot high, 69,452 square foot office building to consist of 45 condominium units on a 3.7 acre tract, zoned Office and Institution-I. An existing house on the site will be removed.

The property is located on the east side of Wake Forest Road and north of Executive Drive, just south of Raleigh Community Hospital, inside the City Limits.

CR-5725 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Community Hospital Condominiums," developed by the Hospital Corporation of America, drawn by Envirotek, Incorporated, dated July 1, 1985, revised July 30, 1985, with the following conditions: (1) That Lots 46, 47, and 48 be recombined to create one lot; and (2) that the cross-parking agreements be reviewed and approved by the City Attorney's Office prior to issuance of building permits.

S-137-85 was a request for approval to construct a four-story, 50-foot high, 69,452 square foot office building to consist of 45 condominium units on a 3.7 acre tract, zoned Office and Institution-I. An existing house on the site will be removed.

The property is located on the east side of Wake Forest Road and north of Executive Drive, just south of Raleigh Community Hospital, inside the City Limits.

CR-5726 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Community Hospital Condominiums," developed by the Hospital Corporation of America, drawn by Envirotek, Incorporated, dated July 1, 1985, revised, July 30, 1985, with the following conditions: (1) That Lots 46, 47, and 48 be recombined to create one lot; and (2) that the cross-parking agreements be reviewed and approved by the City Attorney's Office prior to issuance of building permits.

Planning Director Chapman explained the subdivision and the plan approval. Mr. McNeely indicated a question was raised in the Planning Commission as one of the members had seen a Board of Adjustment placard on this property. He stated, however, it was pointed out that hearing relates to a second-story connection between the buildings. Mr. Congleton indicated he had pulled the items from the Consent Agenda as he has great concern relative to the access onto Wake Forest Road. He pointed out the traffic situation there is bad already, and it would seem to him that it would alleviate the problem somewhat if we could provide for right turn in, right turn out traffic only, pointing out he feels the traffic situation should be addressed. He stated it is impossible to make left-hand turns in or out of this area. It was pointed out no additional access would be granted with these approvals. Planning Director Chapman explained there are no new driveways involved, and the driveways to the houses presently located in this area will not be used. Mr. Congleton pointed out he understands there are no new drives, but there is a problem there already, and maybe these should have been addressed when Raleigh Community Hospital plans came in. He stated there are problems with traffic going into the Hilton and the hospital. He stated with the existing situation of bumper cars along the area, he just has problems approving additional construction. He stated he does not know what to suggest, but he feels they need to be addressed. Mr. Walters indicated this new building will have access to two signalized intersections. The access to the property was pointed out, after which Mr. Calloway moved that the Planning Commission's recommendation as outlined on CR-5725 and CR-5726 be upheld. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-35-85 - WESTGROVE TOWERS CONDOMINIUMS - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval of 251 residential condominiums on 8.36 acres, zoned Shopping Center.

The property is located off Sneeden Drive, north of the K-Mart, located on Western Boulevard, inside the City Limits.

CR-5733 from the Planning Commission recommended that this request be approved according to a map entitled, "Westgrove Towers Condominiums," the property of Westgrove Associates, drawn by Envirotek, Incorporated, dated, July 31, 1985, with the following conditions: (1) That the private street name be approved by the City prior to issuance of building permits; and (2) that a flood study be submitted to and approved by the Inspections Department prior to the issuance of any permits to

determine the impact of flooding on adjacent properties. Storm drainage should be approved by the Engineering and Inspections Departments at the construction drawing stage.

Planning Director Chapman explained the approval. Mr. McNeely indicated there was a great deal of discussion on this item relating to grading and traffic. He indicated the staff answered the questions and the Planning Commission was told that the proposal meets all City ordinances, etc. Mr. Keller indicated Mrs. Block has been working with this area for quite some time. He stated this is an area of a "natural bowl," and he is just afraid that drainage is going to be a problem, and he feels it should be looked at and studied very carefully. Therefore, he would move that this item be referred to the Public Works Committee for further study. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-139-85 - WESTGROVE TOWERS CONDOMINIUMS - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval of 251 residential condominiums on 8.36 acres, zoned Shopping Center.

The property is located off Sneeden Drive, north of the K-Mart, located on Western Boulevard, inside the City Limits.

CR-5734 from the Planning Commission recommended that this request be approved according to a map entitled, "Westgrove Towers Condominiums," the property of Westgrove Associates, drawn by Envirotek, Incorporated, dated July 21, 1985, with the following conditions: (1) That the private street name be approved by the City prior to issuance of building permits; and (2) that a flood study be submitted to and approved by the Inspections Department prior to the issuance of any permits to determine the impact of flooding on adjacent properties. Storm drainage should be approved by the Engineering and Inspections Departments at the construction drawing stage.

This item was approved by unanimous vote on the Consent Agenda. However, during discussion on SC-35-85, it was pointed out this is the same area, and this item should have been pulled from the Consent Agenda, also. Mrs. Block moved that the City Council rescind its action on CR-5734 so it could be considered in the Public Works Committee along with CR-5733. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-37-85 - CITY MARKET PROJECT - REFERRED BACK TO THE PLANNING COMMISSION

This was a request for approval to rehabilitate 11 buildings and construct three buildings on 15 lots for 54,745 square feet of new restaurant and retail space and 17,680 square feet of new upper-floor office space. The block is split by three interior public streets; Wolfe, Blake, and Parham. The property is zoned Business District. The building acreage is 1.9. The total acreage for the site, with streets, is 3.2 acres.

The property is located in the Downtown East Redevelopment Area, the block is bounded by South Blount, East Davie, South Person, and East Martin Streets.

CR-5735 from the Planning Commission recommended that this request be approved according to a map entitled, "Market House Square," the property of/developed by Cranston Development Company, submitted by Landmarks Design Associates, revised date July 15, 1985, with the following conditions: (1) That the refuse dumpster be placed in an acceptable location accessible to the City's collection vehicle, and there should be adequate provisions for refuse collection and the placement of containers for individual business, in particular the City Market Building, so as not to impede pedestrian movement nor detract from the retail activities as approved by the City Public Works Department; (2) that any change in the existing on-street parking and loading areas is subject to Council approval; (3) that improvements in the public right-of-way, including the arrangement and size of parking spaces, landscaping, sidewalks and utilities, and encroachments, shall be reviewed under separate Council action; (4) that there be a five-foot planting strip between the parking lot and public street, and one additional tree island with the parking lot; (5) that consideration be given to widening the sidewalk around the City Market Building within the property line so as to limit the use of the public street for vendors and carts; and (6) that an engineering study be done to determine whether or not additional stormwater drainage facilities are needed. It is understood that this approval subject to these conditions does not supplant the requirements for development and use contained in the Old City Market Redevelopment Plan to be attached as covenants to the property. The site plan is generally in conformance with the previously approved plan for the Old City Market Redevelopment Plan.

Planning Director Chapman explained the proposal. Mr. McNeely indicated there was general discussion and plenty of conditions added to the approval. Mrs. Block indicated she pulled this item from the Consent Agenda, pointing it seems that these plan approvals, subdivisions, etc., should be held until the plan shows all of the conditions. She stated she has problems with plan approvals that have so many conditions, pointing out that a lot of times, these conditions are approved by Council but somehow never show up on the final plan or site. Mrs. Block moved that this item be referred back to the Planning Commission to be held until all of these conditions are put on the actual plan. Her motion was seconded by Mr. Keller and,

after brief discussion, put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-45-85 - SIGNS FOR FAT DADDY'S MARKET AND GRILL - APPROVED WITH CONDITION

This was a request for approval of a freestanding ground sign, and wall signs, for a restaurant previously approved as part of SC-30-85 which required that sign criteria be approved for the restaurant, zoned Shopping Center.

The property is located on U.S. 70 West, inside the City Limits, at the West of the Ranch Motel.

CR-5737 from the Planning Commission recommended that this request be approved according to a document entitled, "Fat Daddy's Market and Grill," the property of Eure, Vick Properties, drawn by Harrel Sign Company, dated July 29, 1985, with the condition that the Board of Adjustment find that Section 10-2065.2(d)(1), which limits bare bulb or bare neon illumination to farther than 500 feet from an Office and Institution zone, can be varied in this situation. (The sign is to be located approximately 300 feet from an Office and Institution-I zone.)

Planning Director Chapman explained the proposal. Mrs. Cates indicated she pulled this item from the Consent Agenda, pointing out she has been told it meets all of the criteria and will have to be approved. She stated, however, she just wanted it known that she was disappointed we do not have the new sign ordinance in effect that would prohibit this type sign. She stated she had hoped that the owners would have made this a ground sign, but she understands this meets all of the criteria of the present ordinance; therefore, she would move approval. Her motion was seconded by Mr. Walters. Mrs. Block indicated she, too, would like to express her disappointment in the sign coming in. She stated she knew that it was going to the Board of Adjustment, and she would move that the City Council render to the Board of Adjustment the fact that the Council does not approve of a variance that would allow bare bulbs and bare neon signs. Mayor Upchurch indicated we are voting only on the sign, and if Mrs. Block wants to address the Board of Adjustment, that would be her right. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

Mrs. Block indicated she would like for the Council to indicate to the Board of Adjustment that this variance would be against the City Council's intent in establishing this law. City Attorney McCormick indicated he did not have any problem with the City Council stating its intent to the Board of Adjustment. He stated, however, for the Council to approve of a sign and then say to the Board of Adjustment not to approve a variance seems inconsistent. Mrs. Block's motion died for the lack of a second.

***SUBDIVISION S-123-85 - WAYLAND GRIFFITH PROPERTY - APPROVED AS AMENDED

This was a request for approval to subdivide a 2.18 acre tract, zoned Residential-6, into two lots.

The property is located on the north side of Van Dyke Avenue, between Rosemont and Fairall, inside the City Limits.

CR-5738 from the Planning Commission recommended that this request be approved according to a map entitled, "Division of Lot 4, Topographic Survey for Wayland and Sylvia Griffith," the property of Wayland and Sylvia Griffith, submitted by Howard Partner, dated February 24, 1985, with the condition that required improvements to Fairall Drive and Van Dyke Avenue be waived by the City Council.

Planning Director Chapman explained the subdivision. Mr. McNeely explained the Planning Commission's recommendation and the conditions relating to required improvements to Fairall Drive and Van Dyke Avenue and the fact that the Planning Commission had recommended that they be waived. Mrs. Cates indicated the City Manager sent a memo relative to this item, and she feels we do need to be consistent. Therefore, she would move the Planning Commission's recommendation for approval of the subdivision be approved but with the understanding that the City Council would waive the required improvements to the forty feet on Van Dyke only, explaining Van Dyke already has curbs and gutters, and she questions if the street will ever be widened and with the further understanding that the City will ask for payment in lieu of improvements to Fairall Drive. Mrs. Block indicates she shares the City Manager's concern, and she, too, feels we should be consistent. She stated she feels that we should require payment in lieu of improvements for both Fairall Drive and Van Dyke Avenue. Mrs. Cates' motion was seconded by Mr. Walters and, after brief discussion, put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-133-85 - SIMMONS BRANCH TOWNHOMES - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide and develop a 14.41 acre tract, zoned Residential-6, into 77 townhouse units.

The property is located on the east side of Lundy Drive, just northeast of the intersection of Jones Franklin Road and Athens Drive, inside the City Limits.

CR-5742 from the Planning Commission recommended that Phase I of this request be approved according to a map entitled, "Simmons Branch Townhomes, Property of 727 Associates," the property of 727 Associates, submitted by Kenneth Martin, undated, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; (2) that a flood study be completed prior to issuance of any permits in Phase 2; and (3) that required improvements to Lundy Drive be constructed or surety provided prior to recording the final plats.

Planning Director Chapman explained the subdivision. Mrs. Block indicated she pulled this item from the Consent Agenda, pointing out the site has been graded and does not have a grading permit. She indicated she has concern about where the sewer will be connected and the drainage and catch basins. Therefore, she would move that Subdivision S-133-85 be referred to the Public Works Committee. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-104-85 - SIR WALTER HILLS - APPROVED

This was a request for approval to subdivide a 2.8 acre tract, zoned Residential-4, into six lots.

The property is located on the east side of Calton Drive, north of and adjacent to Brookhaven Park, inside the City Limits.

CR-5748 from the Planning Commission recommended that this request be approved according to a map entitled, "Sir Walter Hills," the property of W. C. Calton, submitted by Woodrow L. Yonts, PE, dated April 26, 1985.

Planning Director Chapman explained discussion which related to access to Brookhaven Park. Mr. McNeely explained the Parks and Recreation Director's comments, pointing out after discussion, the Parks Director agreed that the modification to the request concerning the entrance to the park would be acceptable. Mrs. Cates pointed out previous discussions that had taken place with the Brookhaven citizens relative to entrances to the park. She stated we got the northern entrance to the park by way of the Gill property, and tonight we would get the southern entrance by way of Berkley Drive. Therefore, this would eliminate the need for an entrance off Calton Drive. Mrs. Block pointed out tonight we only have the public hearing on Berkley Drive, and until that is approved, we would not have but one entrance. Mrs. Cates explained she had talked to the developer, and they are aware of the Berkley Drive entrance. Mrs. Block questioned if we could make this approval contingent upon approval of the street and PU improvements relating to Berkley Drive that is on the Night Agenda. Brief discussion took place, and Mrs. Block moved that this item be held until we have the hearing tonight and know we have two accesses. If that occurs, then this subdivision would be approved. Her motion was seconded by Mr. Keller. It was pointed out that Turnbury would go to a relatively small parking lot and Berkley would be the primary entrance. After brief discussion, the motion, as stated, was put to a vote and passed unanimously.

Later during the night portion of the meeting, the proposed improvements to Berkley Drive extension were approved; therefore, Mayor Upchurch announced this would automatically approve Subdivision S-104-85 as recommended by the Planning Commission.

***CP-7-85 - COLLECTOR STREET PLAN AMENDMENT RELATING TO TYLERTON DRIVE - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to amend the Collector Street Plan to include the relocation of Tylerton Drive as a part of the Major Street Plan of the Comprehensive Plan of the City of Raleigh.

CR-5750 from the Planning Commission recommended that CR-7-85 be approved as requested.

By unanimous vote, this item was approved on the Consent Agenda. However, later in the meeting, Mayor Upchurch indicated he had planned to pull this item but overlooked it. Mr. Calloway moved that the Council reconsider the action of approving CP-7-85. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mayor Upchurch presented Council members with a letter from H. M. Shaw, Jr., who indicated he was not informed of the proposed change by the City and asked that the City defer final action. Mr. Shaw's letter indicated he is one of the owners of a portion that will be affected by the adoption of this amendment, and he had not been afforded an opportunity to make input. He stated he had serious questions about Tylerton Drive crossing the floodplain and the ability of the other proposed street connections to transverse the difficult topography. Planning Director Chapman explained the location of the floodplain, pointing out the existing plan shows Tylerton Drive crossing the floodplain, and the proposed amendment would also show it crossing the floodplain, but it would be in a smaller portion of the floodplain. A map showing the proposed amendment was shown on the overhead projector. Planning Commission Chairman McNeely indicated, although he signed CR-5750, the map on the CR and the map being shown were a little different. LaMarr Bunn indicated Tylerton Drive does cross the floodplain as it is shown on the Comprehensive Plan at this point, and the proposed location crosses the floodplain, but the present location is a much wider floodplain. He stated the proposed location is at a narrow point and

would have less impact on the floodplain itself. Ms. Babb moved the Planning Commission's recommendation be upheld. Mr. McNeely again pointed out the map being shown is different as Glendower is a part of the plan, and it is not on the map. Ms. Babb pointed out it is difficult to make decisions if the proper maps are not included. Therefore, she would withdraw her motion and moved that CP-7-85 be referred to the Law and Finance Committee. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TC-14-85 - PERMITS DURING PROPOSED TEXT AMENDMENTS - DENIED; SUBSTANCE OF TEXT CHANGE - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to amend Section 10-2091, "Permits; application, issuance," by adding to the last sentence a phrase to require that text change petitions be treated in the same fashion as rezoning (map) petitions, so that a construction permit issued during the pendency of a text change would have to comply with both existing and proposed law.

CR-5751 from the Planning Commission recommended that TC-14-85 be denied.

Planning Director Chapman explained the proposed text change. Mr. McNeely indicated this item was discussed in a subcommittee, and the subcommittee felt it could be subject to abuse if approved. He indicated it was also brought to the Planning Commission's attention that the Law and Finance Committee is studying procedures for filing text changes. Mrs. Block indicated this text change was proposed in the same fashion that we have operated under for a number of years; that is, if a proposal meets both the present rules and proposed rules, then a building permit could be issued. She indicated she feels this text change could be looked at in somewhat the same way. She indicated with the proposal the Law and Finance Committee is looking at, if that were approved, then she feels this proposed text change would be a good thing. She stated without the proposal being considered by the Law and Finance Committee, she feels maybe this text change should be denied. Mr. McNeely indicated the Planning Commission looked at a lot of "what if" situations and felt people could be trapped by something they did not create, with Mrs. Block pointing out if there is a procedure in the City in limbo, then she feels that it would be better to delay the situation. Ms. Babb questioned who filed this text change, with Planning Director Chapman indicating it was filed by a group of fourteen to sixteen citizens. Ms. Babb moved that the Council uphold the Planning Commission's recommendation to deny this text change but that the substance of the text change be referred to the Law and Finance Committee to be dealt with the bigger issue. This was discussed briefly after which Mrs. Block made a substitute motion that this text change be referred to the Law and Finance Committee to be considered with the other discussions about text changes. Her substitute motion was seconded by Mrs. Cates. The substitute motion was put to a vote which resulted in Mrs. Block voting in the affirmative and the remainder of the Council voting in the negative. The Mayor ruled the motion defeated. The original motion to deny the text change but refer the substance of the text change to the Law and Finance Committee was put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

***PA-88-85 - QUINN-L BUILDING - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to construct a 264,098 square foot, eight story, 109-foot high office building on a 12.02 acre, undeveloped site, zoned Office and Institution-I.

The property is located on the west side of Six Forks Road, north of Lynn Road, inside the City Limits.

CR-5647 from the Planning Commission recommended that this request be denied according to a map entitled, "Quinn-L Building," the property of Quinn-L Corporation, drawn by Emerson and Associates, dated May 24, 1985, revised June 21, 1985.

Planning Director Chapman explained the proposal. Mr. McNeely explained the Planning Commission's discussion and the opposition, pointing out there were no clear trade-offs in the approval process that would satisfy everyone. He stated the case was not on the Agenda, and the information was not in the packet. However, the petitioner appeared earlier before the Committee and asked that the item be discussed. He stated the Planning Commission did not have another meeting to help resolve the problems; therefore, the recommendation for denial. Mr. Walters indicated this meets all aspects of the Code, and the petitioner could go out and put up buildings and cover the site. He stated he feels this should be studied further; therefore, he would move that it be referred to the Law and Finance Committee. Without objection, the item was referred to the Committee.

***PA-101-85 - BLUE RIDGE ROAD CONDOMINIUMS AND SUBDIVISION S-136-85 - BLUE RIDGE ROAD CONDOMINIUMS - REFERRED TO THE PUBLIC WORKS COMMITTEE

PA-101-85 was a request for approval to construct 207 condominium units in four buildings, consisting of 39 units in a five-story building on 6.6 acres, zoned Residential-6; two 9-story buildings, each with 54 units; and a 10-story building with 60 units on a 6.72 acre tract, zoned Office and Institution-I. An existing house on the site will be used as a clubhouse.

The property is located between the Beltline and Blue Ridge Road at the intersection of Edwards Mill Road with Blue Ridge Road, inside the City Limits.

CR-5723 from the Planning Commission recommended that this request be approved according to a map entitled, "Blue Ridge Road Condominiums," developed by Seby B. Jones drawn by Envirotek, Incorporated, dated July 1, 1985, revised, July 30, 1985, with the following conditions: (1) That a landscaping plan be approved by the Staff prior to the issuance of building permits; and (2) that the area within the floodway along House Creek be reserved for Capital Area Greenway.

Subdivision S-136-85 was a request for approval to construct 207 condominium units in four buildings, consisting of 39 units in a five-story building on 6.6 acres, zoned Residential-6; two 9-story buildings, each with 54 units; and a 10-story building with 60 units on a 6.72 acre tract, zoned Office and Institution-I. An existing house on the site will be used as a clubhouse.

The property is located between the Beltline and Blue Ridge Road at the intersection of Edwards Mill Road with Blue Ridge Road, inside the City Limits.

CR-5724 from the Planning Commission recommended that this request be approved according to a map entitled, "Blue Ridge Road Condominiums," developed by Seby B. Jones, drawn by Envirotek, Incorporated, dated July 1, 1985, revised July 30, 1985, with the following conditions: (1) That a landscaping plan be approved by the Staff prior to the issuance of building permits; and (2) that the area within the floodway along House Creek be reserved for Capital Area Greenway.

Mrs. Block pointed out this is a floodway area, with Planning Director Chapman indicating the parking and building are outside the floodway. Mrs. Block stated she feels this is bound to increase flooding because of the increase in impervious surface in the area. Mr. McNeely indicated, although it is not spelled out on the plan or CR, in order to make improvements in a floodway fringe, a lot of documentation will have to be presented. He indicated State law will not allow the velocity of House Creek to be increased. Mrs. Cates indicated she has concerns about traffic, both motor and pedestrian traffic, as well as the intensity of this project. Therefore, she would move that Subdivision S-136-85 and the associated PA-101-85 be referred to the Public Works Committee. Her motion was seconded by Mrs. Block. Mayor Upchurch indicated the Committee may also want to look at the easement dedication to try to tie the greenway down. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-72-85 - DENISE DRIVE - APPROVED; ADMINISTRATION TO DETERMINE HOW TO PROTECT AREA

This was a request for approval to rezone approximately five acres from Conservation/Buffer to Office and Institution-I.

CR-5753 from the Planning Commission recommended that Z-72-85 be approved as requested.

Planning Director Chapman explained the request and the concerns voiced by the surrounding area. He indicated the developer says he will retain the lake. Mr. McNeely indicated there was a lot of discussion about this item. He stated the people who proposed removal of the lake are the people who live in the single-family homes who voluntarily requested the O&I zoning. Mrs. Block indicated she has long been an advocate of not buffering like uses. She stated the developer told her the dam would be broken and the lake would be drained. It was pointed out anything done to the lake would be subject to plan approval. City Manager Benton indicated the City has no authority to enforce the Dam Safety Act. He indicated the State could require the lake to be drained, and the City would have no jurisdiction. Mrs. Block indicated what the City Manager is saying is true, but many times a decision is made to breach a dam, and it occurs before anyone knows anything about it. She stated she would like to refer it to Administration to decide how we can protect the area from the "mud flood." Mr. Congleton moved that the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted and asked Administration to keep the Council advised on the status of the lake.

ORDINANCE NO. (1985) 635 ZC 168

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Denise Drive, north and south sides, between Jones Franklin Road and Interstate-40, being a portion of Parcel 1, Tax Map 575, rezoned to Office and Institution-I, according to map on file in the City of Raleigh Planning Department (Z-72-85).

(b) Schaub Street, north and south sides, between Deboy Street and Western Boulevard, being Parcel 295, Tax Map 549, 10.14 acres rezoned to Residential-15 and 13.23 acres rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department (Z-92-85).

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***FALLS LAKE - WATER QUALITY - REMOVED FROM THE AGENDA; WATER QUALITY TO CONTINUE TO BE MONITORED

Mrs. Block reported the Public Works Committee recommends removal of this item from the Agenda. The Committee was advised that based on research conducted to date, the Falls Lake water quality meets all minimum requirements and standards for use as a raw water supply source. Water quality at the lake will continue to be monitored by the City and the State. Mrs. Block moved that this item be removed from the Agenda with the understanding that the City Council will be advised if the lead level becomes dangerous at any time. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REHABILITATION WARRANTY - 314 SOUTH SWAIN STREET - LEGAL ACTION AUTHORIZED - WORK TO BE COMPLETED

Mrs. Block reported the Public Works Committee was advised that Continental Trim Company representatives had submitted a written assurance that repairs to the roof at 314 South Swain Street will be completed within one week (from the date of the Committee meeting). If repairs are not completed by the September 3, Council Meeting, the Committee will recommend that legal action be taken against Continental Trim for faulty workmanship. This would also require an expenditure of $500 from rehabilitation warranty funds to make the necessary repairs. Mrs. Block pointed out the repairs have not been made; therefore, the Committee recommends legal action be taken, pointing out this would require an expenditure of $500 to make the necessary repairs. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***WATER AND SEWER AVAILABILITY AND NEEDS - INFORMATION RECEIVED

Mrs. Block reported included in Council Members' Agenda packet was information relating to Raleigh and ETJ Land Summary, water and wastewater focus and future plant demands. The Committee recommends removal of this item from the Agenda. The Committee was advised that reports indicate there is adequate water supply for a minimum of 25 years, adequate water treatment capacity to meet the needs of Raleigh and its ETJ, including contract customers, for a minimum of 15 years and adequate sewer capacity for a minimum of 25 years (with current expansion). The Committee's review did not extend beyond 25 years. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***REZONING Z-85-85 - BARWELL ROAD - DENIED

Mrs. Block reported the Public Works Committee recommends that the recommendation of the Planning Commission to deny this request be upheld. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adoped.

REPORT AND RECOMMENDATION OF THE NOMINATING COMMITTEE

***NOMINATIONS PROCESS - INFORMATION RECEIVED

Mr. Walters reported the Nominating Committee agreed when presenting a slate of nominees for various upcoming vacancies that the slate will include only one nomination per available slot. It should be noted that any person nominated for a particular vacancy and is not a successful nomination, that resume and nomination will be held and considered at the next available slot on that particular board. The information was received without comment.

***NOMINATIONS - VARIOUS COMMITTEES - RECEIVED - TO BE PLACED ON SEPTEMBER 17 AGENDA

Mr. Walters reported the Nominating Committee makes the following recommendations on vacancies:

Arts Commission - The Committee recommends the appointment of Pat Funderburk. He pointed out the Committee had planned to recommend the reappointment of Robert T. Wharton; however, Mr. Wharton has just taken employment outside the State and, therefore, must resign. Therefore, the Committee will make one recommendation and receive nominations for the other vacancy.

Human Resources and Human Relations Advisory Committee - The Committee recommends reappointment of George Sanders.

Planning Commission - The Committee recommends the reappointment of John E. Rice.

Transit Authority - The Committee recommends the reappointment of Pat Pierce.

Mayor's Committee on Services to the Handicapped - Mr. Walters indicated this particular Committee has no set limits, and the Committee recommends the appointment of Suzanne Bradley.

The floor was opened to nominations. Mrs. Block indicated she had made a nomination for the Planning Commission, however, is not going to pursue it. She pointed out, however, the Planning Commission does not have any women appointed by the Council. There being no further nominations, it was agreed to hold this item open with the understanding that the names would be submitted at the September 17 meeting for confirmation.

***DOWNTOWN ADVISORY COMMITTEE - TEN APPOINTMENTS MADE; THREE NOMINATIONS MADE; MAKEUP OF COMMITTEE REORGANIZED

Mr. Walters indicated during the July 16, Council meeting, Mr. Walters, after having been directed by the Council to come up with recommendations, presented the following names for reappointment to this Committee:

> Frank Anderson, Jr., Margie Haywood, James H. Brown, Jr., Betty Twiggs, G. Wesley Williams, Ames Christopher, Alice Garland Swink, Norma Burns, Spencer Wolfe, and Oppie Jordan.

At Mrs. Block's request, it was agreed to hold this recommendation open since July 16 was the first announcement of the recommendation. It would be appropriate to consider confirmation of these appointments for a new two year term.

Mr. Walters moved that these ten persons be reappointed to the Downtown Advisory Committee. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Mr. Walters indicated the Nominating Committee recommends that henceforth, the Downtown Advisory Committee be made up of all at-large members rather than representatives of various groups. The Committee also recommends the nomination of John E. Greene, Seth Gaskill and John H. Parker, pointing out this would leave two vacancies, and the Committee would accept nominations. Mr. Congleton indicated he had received some comments from people who have concerns about making the Downtown Advisory Committee all at-large. He stated this Committee is advisory to the Downtown Committee on affairs relating to downtown only. Mr. Walters indicated he, too, had received these same comments, and the Nominating Committee had briefly discussed this prior to today's meeting. He stated the Nominating Committee had hoped to be able to take all of these things under consideration. He pointed out to have a person serving on the Downtown Advisory Committee or any other Committee as a representative of another City-appointed Committee does cause problems as terms will expire on the first Committee; therefore, they have to go off the Downtown Advisory Committee. Mr. Walters stated, however, he would offer the following as a compromise; that the Downtown Committee be structured as follows: One Chairman to be appointed by the Council, six members from downtown-related organizations, six liaison members from other City Boards and Commissions (Appearance, Arts, Transit, Civic Center, Historic Properties and Planning Commission) with the understanding the liaison members would be recommended by the Chairman of their appropriate Committee; two members from NCSU or State government and six members at large. Mr. Walters moved that the compromise suggestion be accepted. His motion was seconded by Mr. Congleton and, after brief discussion, put to a vote which passed unanimously. The Mayor ruled the motion adopted. It was pointed out with this action, there would be one at-large vacancy, and the Planning Commission and the Transit Authority would need to make recommendations. The City Clerk questioned if the recommendations of the Liaison Committee should be confirmed by Council, with the Council agreeing that is correct; that is, the Chairman of each of the Liaison Committees would make a recommendation, and the Council would consider that recommendation.

REPORT FROM TRIANGLE J COUNCIL OF GOVERNMENTS

***TRIANGLE J COUNCIL OF GOVERNMENTS - REPORT RECEIVED

Mr. Walters indicated there was not a COG meeting. He stated they did have a review of the legislative session, and there were several items that had relevance to the City of Raleigh. He indicated he would give the Council this in written form, but some of the legislation involved the waste water funding in which there was an appropriation of $120,000,000 to be distributed on a per capita basis; the LEO systems were merged; a technical bill requiring municipalities to turn over a certain percent of funds to the School Board; proposal to repeal property tax and replace with a five percent tax; proposal to authorize counties to repeal property tax without input from the City as well as the open meetings law. The information was received.

REPORT AND RECOMMENDATION OF THE GREENWAY COMMISSION

***GREENWAY ACQUISITION - PROPOSED TEXT CHANGE - REFERRED TO THE LAW AND FINANCE COMMITTEE

David King was at the meeting indicating he was Chairman of the now defunct Greenway Commission. He spoke briefly to the current City Ordinances as to their impact on Greenway acquisition, explaining now the City has seven-months reservation on

property in a plan so that the City can acquire the Greenway property to gain access to the property. He indicated given the pace of the development in the City, the Greenway Commission had noticed an increasing tendency for parcels to slip through the City's fingers. He stated this is due to the sheer volume of the workload. He stated we have to seize the opportunity to get an ordinance developed that will address this property. Charles Meeker, a member of the Greenway Commission, indicated Council members had received a proposed ordinance relating to Greenway acquisition. He stated the proposal does not require dedication fee simple, it just requires an easement, and it would only apply to areas on the adopted Capital Area Greenway Map. He stated this will help the City to acquire easements on those properties. He stated, presently, there are eleven to twelve subdivisions that have reservations for a Greenway that will expire within a year. He stated a mandatory dedication of a Greenway easement would be helpful. He pointed out this would be a step towards the impact facility fee, and this would be something to credit to the impact of a development. Mrs. Cates questioned how far away our Impact Fee Ordinances are, with City Manager Benton indicating we are working on them, but it does take a lot of work to develop the plan, get the costs, etc. He stated it is hoped that the proposals will be presented to the Council by the first of the year, and then we will have to go through the public hearing process. Mrs. Cates explained she has real concern that we are going to loose Greenway properties if we do not do something. She stated a lot of development is occurring in Raleigh and is being carried on by people from out of town, and they do not know about or appreciate our Greenway system. She pointed out it makes it difficult to get Greenway dedicated on a tract of property if the tract next to it does not have a dedication. She indicated she had been told that people from out of town will do only what is required. She stated it is her understanding they have no problem dedicating Greenway if it is required, but they are not going to do more than is required. Ms. Babb indicated she feels this is a good proposal but questioned how it would blend in with our impact fees. There was discussion on whether we could break this into two parts; that is, parks, Greenway, open space and other be for roads. Ms. Babb stated she had no problem with it going to the Law and Finance Committee but would hope that we could send it to public hearing as soon as possible. She stated this only requires an easement not an outright dedication. Without objection, the item was so referred.

REPORT AND RECOMMENDATION OF THE RALEIGH SISTER CITY COMMITTEE

***RALEIGH SISTER CITY - LETTER AND FORMAL INVITATION TO BE ISSUED TO KINGSTON UPON HULL; SISTER CITY COMMITTEE AUTHORIZED TO DEVELOP ARTICLES OF INCORPORATION

Mr. Walters reported the Committee recommends that the Raleigh Sister City Committee be directed to draft a letter and a formal Resolution, under the Mayor's signature, that would be an official invitation to the Lord Mayoress of Kingston Upon Hull to begin negotiations for Sister City affiliation between Hull and the City of Raleigh. Copies of the resolution and letter should also be forwarded to Sister Cities International, the British Embassy in Washington and D. R. Herbert, Secretary of the Joint Twinning Committee of Great Britain.

It is further recommended that the Raleigh Sister City Committee be authorized to proceed with the development of Articles of Incorporation to form Raleigh Sister City Corporation. Mr. Walters gave a brief description of the City, Kingston Upon the Hull, and explained the similarities to the City of Raleigh. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***NORTH CAROLINA SYMPHONY - AGREEMENT - APPROVED AS AMENDED

City Manager Benton explained the current agreement providing for use of Memorial Auditorium by the North Carolina Symphony is expiring. A new proposed agreement has been developed. This agreement has the following major features:

(1) Term of 5 years;

(2) Symphony would provide 4 full orchestra concerts to City and 3 concerts by ensemble groups in lieu of rental payment;

(3) No subletting by Symphony; and,

(4) City agrees to allow Symphony to use auditorium for up to 90 days which shall include at least 30 public performances.

A copy of the agreement was in the Agenda packet.

Recommendation: That the agreement be approved.

City Manager Benton indicated the second page of the proposed agreement refers to dates on which performances of the Symphony shall be held, and one of those dates is July 4, 1986. He indicated there is a conflict here, and he would suggest that be changed to "during the summer of 1986." He stated with that change, he would recommend approval of the agreement.

Discussion took place on the success of the Symphony concert at Meredith College over Labor Day, with Mrs. Block pointing out she felt the public should be made aware of

the fact that the Symphony performs as a part of the payment for the rental fee at Memorial Auditorium, and this is very worthwhile. Mayor Upchurch expressed appreciation to Jim Goodman with WRAL and the Symphony as well as Meredith College for such a successful event. Mrs. Block moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***MASS TRANSIT SYSTEM - LIABILITY INSURANCE - FUNDS APPROPRIATED

The liability insurance policies for the Mass Transit System will have a major increase in cost for this year. The policies expire August 31, 1985. It is necessary to obtain the most competitive proposal and secure the insurance because of the significant liability exposure that the Mass Transit System has. The impact is a $214,939 increase in cost for this coverage. A budget amendment and transfer of funds as follows is required:

Transfer		
From:		
01-2-1040-0001	Gen. Fund Contingency	$107,470
To:		
01-2-1040-0901	Appro. to Transit	$107,470
Budget Amendment		
Revenues:		
42-1-8000-0100	UMTA	$107,469
42-1-8000-0102	General Fund	107,470
		$214,939
Expenditures:		
42-2-9010-0291	Operating Deficit	$214,939

Recommendation: That the fund adjustments be approved.

Mrs. Block questioned the increase in cost, asking if there was something that has happened that caused our insurance to go up. Ms. Babb pointed out this is a nationwide question, and this has nothing to do necessarily with the operation of our system. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 631 TF 4

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amount hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 37-2-1000-0100	Council Reserve	$ 5,000.00
To 37-2-3000-0201	Raleigh Senior Games	5,000.00
Purpose: To provide funding for installation of equipment - Raleigh Senior Games.		
From 34-2-3805-0102	Municipal Block "B"	$ 5,004.00
To 34-2-3805-0104	Municipal Block Miscellaneous	5,004.00
Purpose: To install partitions in City Manager's Office.		
From 32-2-3000-0100	Atlantic Avenue	$ 50,000.00
To 32-2-3000-0104	Atlantic Avenue Miscellaneous	50,000.00
Purpose: Funding for materials, testing of bridge and roadway materials.		
From 32-2-3000-0120	Atlantic Avenue	$2,826,315.50
To 32-2-3000-0101	Atlantic Avenue	2,826,315.50
Purpose: Funding the construction of Atlantic Avenue from Wake Forest Road to Wicker Drive.		
From 32-2-3000-0100	Atlantic Avenue	$ 437,471.77
To 32-2-3000-0101	Atlantic Avenue Construction	437,471.77
Purpose: Same as above.		
From 84-2-1060-0000	EMJ Plant Expansion	$ 331,500.00
To 84-2-1410-0101	WS-1985-2 - Spring Forest Road	331,000.00
To 84-2-1410-0104	WS-1985-2 - Miscellaneous	500.00
Purpose: Provide funds for water line project on Spring Forest Road.		

From	37-2-1000-0100	Council Reserve	$ 740.00
To	38-2-2040-0108	L.P. Gas Service	740.00

Purpose: Lease on L.P. gas tank at Lake Johnson Pool.

From	01-2-1040-0001	Contingency	$ 19,888.00
From	01-2-1220-0100	Salaries	17,370.00
To	01-2-6000-0100	Salaries	32,758.00
to	01-2-6000-0740	Office Equipment	4,500.00

Purpose: Salaries for one new position of Drafter II and Greenway Planner, plus equipment.

From	43-2-3080-0100	Contingency	$ 7,000.00
To	43-2-3060-1803	Rehab for Resale - Appliances	7,000.00

Purpose: Funds for purchase and installation of eight electric ranges and eight refrigerators at Haywood Street Housing Projects #1 and #2.

From	35-2-2010-0100	Spring Forest Rd./Lynn Rd. Conn.	$ 30,000.00
To	35-2-2010-0104	Miscellaneous	30,000.00

Purpose: Funding for miscellaneous services Spring Forest Road connector to Lynn Road.

From	32-2-3000-0100	Atlantic Avenue	$ 13,205.03
To	32-2-3000-0204	Atlantic Avenue CP&L	13,205.03

Purpose: To pay CP&L amount approved by Council for relocation of power line in Atlantic Avenue.

From	01-2-1040-0001	General Fund	$ 7,600.00
To	01-2-1200-0709	PC Computer	7,600.00

Purpose: Provide computer recommended by Wilbur Smith and Associates to run Marsh Creek and Perry Creek storm water model.

From	01-2-3050-0236	Computer Hardware	$ 12,000.00
To	01-2-3050-0701	Computer Upgrade	12,000.00

Purpose: For computer upgrade that needs to be purchased.

From	38-2-3510-0100	Worthdale Center	$ 3,315.40
To	38-2-3500-0104	Worthdale & Optimist D	3,315.40

Purpose: Atec Associates testing and monitoring services during construction of Worthdale and Optimist Centers expansion.

From	01-2-5030-0702	Refuse Collection Unit	$ 2,419.10
To	01-2-5030-0239	Contract Service	2,419.10

Purpose: To provide additional funds for paying BFI Container Contract Service.

From	01-2-5020-0605	Snow Plows	$ 200.00
From	01-2-5020-0617	Leaf Machine	3,850.00
From	01-2-1040-0001	Contingency	1,450.00
To	01-2-5020-0700	Dump Truck	5,500.00

Purpose: Provide funds for purchase of two 15' flat bed dump bodies for Leaf Program.

From	01-2-1040-0215	Public Liability Insurance	$ 5,250.00
To	01-2-1040-0200	Fire Insurance Building	5,250.00

Purpose: To supplement account to pay annual insurance premium and pay premium for new structures to be added.

From	01-2-1040-0202	Auto Fire Theft Comp.	$ 7,000.00
To	01-2-1040-0291	Auto Liability BI & PD	7,000.00

Purpose: To supplement account to pay remainder of new policy annual premium and audit premium for vehicles added to former policy during 84-85.

From	01-2-1040-0001	Council Reserve	$ 1,438.00
To	01-2-1230-0265	Other Services	1,438.00

Purpose: Printing of Traffic Control Manuals and other materials for training program on traffic controls and enforcement in construction areas.

From	01-2-1040-0001	General Fund Contingency	$ 107,470.00
To	01-2-1040-0901	Approp. to Transit	107,470.00

Purpose: To provide adequate funds to cover unexpected increases in liability insurance for transit system.

From	43-2-2020-0100	Acq. of Real Property	$ 2,000.00
To	43-2-2020-0202	Assemblage/Opp Site	2,000.00

Purpose: To facilitate the development of housing in Caraleigh Fuller Heights.

***HOUSING - LAND ACQUISITION - APPROVED - FUNDS APPROPRIATED

The Real Estate Committee has reviewed the possibility of acquiring a 10+ acre site in the Caraleigh neighborhood for a private sector housing program. The Council approved soil borings to assure site suitability. These borings have been made and verify the site's usefulness for housing.

It is desirable to proceed with acquisition of the site at a cost of $150,000. If approved, the staff would then work with the Real Estate Committee on developing a land development plan.

Recommendation: That the Council approve an acquisition of the ten+ acre tract owned by Levin Investment Company located on Grissom Street for $150,000. The Agenda outlined the appropriate fund adjustment that needs to be approved if the recommendation is approved. Mrs. Block moved the recommendation, as outlined, be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ANIMAL PUBLIC NUISANCE - APPEAL - DOGS AT 4112 CONVERSE DRIVE DECLARED A PUBLIC NUISANCE

Police Chief Heineman indicated on April 5, 1985, a written complaint was received from John W. Poucher, Jr., of 4201 Quail Hollow Drive regarding barking dogs being kept at 4112 Converse Drive by Mr. and Mrs. James Murray. He indicated he forwarded this letter to the Humane Unit for investigation according to the City Code. He explained Humane Officer M. K. Miller initiated an investigation on April 25, pointing out she contacted the complainant and the suspect. He explained the investigation was continued, and Officer Miller determined that, in her opinion, there was a violation of the City Code under the Animal Nuisance Section; therefore, she compiled all of her reports, wrote a citation and submitted them for review by her supervisor on May 23. He stated additional information was requested, and on June 10, a letter of warning and citation were mailed to Mrs. Murray as directed by the City Code. He stated the officer continued her investigation until June 5 when she submitted a supplementary report. He stated Mrs. Murray appealed the decision in writing; therefore, the item is on the Agenda for the City Council to determine if the animal is or is not a public nuisance.

Jim Murray, 4112 Converse Drive, indicated he and his family have lived at this location ten years. He stated Mr. Poucher moved in this year, and about two weeks later, he came over to complain about the dogs barking. He stated Mr. Poucher used profanity and left. He stated he did not understand, pointing out his back yard is fenced in. He stated no one lives in the lot behind him as he had purchased it. He explained neighbors on both sides say the dogs do not bother them. He indicated on two different occasions, May 18 and May 28, Mr. Poucher called to complain that the dogs were barking. He stated on those two occasions, the dogs were inside the house and neighbors were there and can attest to that fact. He pointed out the dogs have an outside facility that is ten by ten, and the facility and the fenced-in yard were put there for the purpose of the dogs. He stated he did not like dogs in the house, and that is why the built the facility outside. He indicated the dogs used to stay in the house more because he was traveling, and they were purchased for protection, but now the dogs stay outside more. He indicated he takes the dogs in the house at about 10:00 each night, and they stay in the house until 10:00 or 10:30 the next day. He explained the dogs do not bark at anything other than the trash men and the dogs and kids running up and down the creek. He pointed out he has had problems in that the people across the creek have shot the dogs with BB's, thrown fireworks at them and mistreated them.

Officer M. K. Miller explained the procedure the Humane Division uses when they get a complaint. She explained the procedure according to City Code. She indicated she had talked with Mrs. Murray and Mr. Poucher, and they interviewed several neighbors. She pointed out Council members received a map in their Agenda packet outlining the location of the Murrays' house as well as the complainant's house which shows a creek between them. She indicated the people who live next door to the Murrays are not affected as much as the people who live across the creek bottom. She indicated the people across the creek bottom who actually live on Quail Hollow Drive stated they had problems with different degrees. She indicated the Police Department and Humane Division realize that dogs will bark at trucks, garbage men, etc., but there is a difference in a normal barking dog and a public nuisance type barking. She gave the different dates that she heard the dogs barking where she was located, etc.

Ms. Babb indicated she felt this was an excellent presentation; therefore, she would move that we uphold the action of the Humane Division. It was agreed to hold the motion to continue the hearing.

Clyde Holt, 4100 Converse Drive, indicated he lives two houses from the Murrays. He stated he has never met Mr. Murray and was not solicited to come and make a statement. He stated he has heard the dogs bark from time to time, but there is no way they could be considered public nuisance animals. He indicated there is a creek that serves as a greenway at the back of the property. He pointed out kids and dogs play in that greenway, and anytime they come past anyone's house which has a dog, the dog will bark at them.

John Poucher indicated this has been a continuing problem, and everyday the dogs barking echos across the creek. He indicated everyone across the creek has complained about the dogs from time to time. He stated he is new in the neighborhood, and some of the neighbors have come to meet him since he brought action as they said it was a continuing, daily problem.

Officer Miller indicated there are other dogs in the neighborhood, and when one group starts barking, there is a chain reaction. She stated at different times during her investigation, there were other dogs barking, but it was not a constant yap yap as the Murrays' dog barks. She stated it is enough of a problem that several neighbors have singled out the Murrays' dogs as the problem. She went through the different days she investigated, the time of the day and what she heard. Mr. Murray indicated except for two houses on Converse, every house on Converse has a dog. He indicated

on two different occasions, his dogs have been accused of being barking and his dogs were in the house.

Mrs. Block indicated she was concerned about Mr. Murray's comments that people were shooting at his dogs and throwing fireworks at them. In response to questioning, Mr. Murray indicated he did not report this to the police. He stated no one had ever come to him to say anything about the dogs. He indicated they might have talked to his wife and explained the dogs belonged to his wife and children. He again pointed out almost everyone in the neighborhood has dogs, and he does have a ten by ten room and fence that was installed just for the dogs. Officer Miller indicated she realizes firearms are not allowed in the City, and she is condoning anyone shooting at a dog with a BB gun, but the Council should take into consideration that possibly some of the people have put up with the barking dogs as long as they could. She indicated these dogs were not singled out for no reason at all. She stated if dogs bark constantly, it is a problem. Chief Heineman read from the Humane Officer's report on the comments from various neighbors. No one else asked to be heard. Ms. Babb moved that the City Council uphold the Humane Officer's decision that these are public nuisance dogs. Her motion was seconded by Mrs. Cates. Mr. Walters indicated he has dogs, and people have a responsibility to keep their dogs quiet. He stated, by nature, dogs are going to bark, and with a creek behind the house, he feels that probably adds to the problem. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mr. Walters and Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

***BOND SALE - AUGUST 27, 1985 - RESOLUTION ACCEPTING BIDS ADOPTED

Pursuant to Council authorization, the City has received bids on $8,000,000 of street bonds. The low bid was submitted by NCNB for 7.989%. This is a very attractive interest rate and should be accepted.

Recommendation: A resolution was presented to provide for the Council's acceptance of the bids and its approval was recommended. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION (1985) 928

WHEREAS, the Local Government Commission of North Carolina has informed the City Council of the City of Raleigh that it has sold in the manner prescribed by law the City's $8,000,000 Street and Sidewalk Bonds, Series 1985, dated September 1, 1985, and that the contract of sale contemplates that the bonds shall bear interest as hereinafter provided;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH AS FOLLOWS:

1. The Bonds hereinbefore described shall bear interest as follows:

Bonds payable in each of the years 1987 to 1992, inclusive, 7.90% per annum, and

Bonds payable in each of the years 1993 to 2003, inclusive, 8.00% per annum.

2. The Official Statement dated August 9, 1985, setting forth financial and statistical data in connection with the offering of said bonds, which was circulated with the Notice of Sale thereof, is hereby approved. In connection with this approval, the City Council of the Issuer has examined copies of the Official Statement and has, to the extent and in the manner is has deemed necessary, discussed the contents thereof with officers of the administration of the Issuer. The City Council of the Issuer does hereby recite that, upon its examination and discussions, nothing has come to its attention which would lead it to believe that said Official Statement contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading. The Mayor, the City Manager and the Finance Director are hereby authorized and directed to execute the Official Statement.

3. This resolution shall become effective upon its adoption.

***BID REQUEST 85-12 - PREVIOUS ACTION RESCINDED; BID AWARDED TO MCDOWELL SAFETY SHOE SERVICE, INC.

City Manager Benton indicated Bid Request 85-12 was awarded on August 6, and it is found that the low bidder did not meet the specifications. Therefore, bids were solicited and opened on August 29, with McDowell Safety Shoe Service submitting the only bid in the amount of $25,760. He indicated it is recommended that the bid as awarded on August 6 be rescinded and the bid rewarded to McDowell Safety Shoe Service, Inc. Mrs. Block moved the Manager's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***EXTRATERRITORIAL PLANNING JURISDICTION - RESOLUTIONS ADOPTED

On August 6, 1985, the Council authorized the extension of the planning jurisdiction in the northwest area for one-mile pursuant to local authority. The County Staff

subsequently asked that this action be reconsidered. It is proposed that the City's request to the County for the three-mile extension of the planning jurisdiction include the one-mile extension as well. Copies of the proposal for ETJ extension in the northwest area and southwest area were included in the Agenda packet. These are consistent with prior Council approval of areas for consideration.

Recommendation: That the Council approve both ETJ extension reports and adopt a resolution officially requesting that Wake County concur in the proposals.

City Manager Benton explained the County was concerned about the City moving ahead with the one-mile extension. Therefore, at this point, Administration is recommending that the one mile be incorporated into the three-mile request which includes the northwest and the southwest areas. Mrs. Block indicated the Public Works Committee is considering the outer beltloop question and whether we can require a ninety-foot right-of-way where thoroughfares are established. She feels it would be appropriate to move ahead with this extension of the extraterritorial planning jurisdiction. Ms. Babb moved that the Manager's recommendation be upheld and the appropriate resolutions be adopted to be forwarded to the County for concurrence. Her motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 929

A RESOLUTION TO AMEND THE EXTRATERRITORIAL JURISDICTION AGREEMENT BETWEEN THE CITY OF RALEIGH AND WAKE COUNTY

WHEREAS, NCGS 160A-360(g) provides that extraterritorial jurisdiction agreements between local governments may be modified from time to time by mutual consent of the legislative bodies concerned;

WHEREAS, the City of Raleigh seeks agreement with the County of Wake that their respective jurisdictions for planning and regulation of development purposes should be altered;

WHEREAS, the boundaries of the area in which the City of Raleigh exercises extraterritorial jurisdiction with respect to matters dealt with in Article 19 of Chapter 160A, North Carolina General Statutes, as the same now and may hereafter be constituted and numbered, are established and defined as beginning at the City's corporate boundaries as now established and hereafter modified and extending outward to a perimeter boundary line, approval of which was originally requested by the Raleigh City Council on June 19, 1972, and initially granted by the Wake County Board of Commissioners on February 5, 1973, and being shown on a map entitled, "Extraterritorial Jurisdiction, City of Raleigh, North Carolina," and dated March 12, 1981, as amended;

WHEREAS, the Raleigh City Council finds that the expansion of the jurisdictional area as herein described will allow the City the opportunity to regulate development to assure eventual efficient delivery of City services to this area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the extraterritorial jurisdiction area as determined under that agreement, dated February 5, 1973, as amended, between the City Council of the City of Raleigh and the Wake County Board of Commissioners be modified to include that area described as follows:

Beginning at a point in the existing (8-1-85) City of Raleigh extraterritorial jurisdiction, said point being the intersection of the centerline of I-40--Wade Avenue Corridor right-of-way and the western right-of-way of S.R. 1655 (Trenton Road); runs thence northeasterly 300 feet ± along the western right-of-way of S.R. 1655 to the northern Controlled Access right-of-way of I-40; thence northwesterly with the Controlled Access right-of-way of I-40 3,400 feet ± to its intersection with the southern property line of Wake County Tax Parcel 431-39, said line also being the southern boundary extended of Umstead State Park; thence easterly 300 feet ± with said line to the Umstead State Park boundary; thence following the southern and western boundaries of Umstead State Park 4,400 feet ± as described in City of Raleigh Annexation Ordinance 1985-590 to its point of intersection with the northern line of Wake County Tax Parcel 345-8, said parcel being the property of the Raleigh-Durham Airport Authority, and said line also being the southern line of Wake County Tax Parcel 319-63; thence following the northern and western boundaries of the property of the Raleigh-Durham Airport Authority 3,300 feet ±, said property including Wake County Tax Parcels 345-8, 297-174, 296-51 and 296-18, to a point in the centerline of Nelson Road (S.R. 1642) 1,200 feet ± west of S.R. 1640; thence westerly with the centerline of Nelson Road 1,100 feet ± to the Durham-Wake County boundary; thence northeasterly with said Wake County line 16,900 feet ± to the northwestern corner of the Wake County line near U.S. 70 West; thence southeasterly with said Wake County line 12,100 feet ± to the centerline of S.R. 1646 (Shady Grove Church Road); thence southerly with the centerline of S.R. 1646 1,800 feet ± to its intersection with the southern line extended of Wake County Tax Parcel 276-4 (C.D. Sears property); thence easterly with the southern line extended of said Parcel 276-4 1,800 feet ± to the centerline of Sycamore Creek; thence southerly with the centerline of Sycamore Creek 1,800 feet ± to the eastern line of Wake County Tax Parcel 276-29; thence southerly with the eastern line of said Parcel 276-29 and the western line of Leesville Industrial Park as recorded in Book of Maps 1982, Page 872 of the Wake County Registry 1,000 feet ± to the southwest corner of said Leesville Industrial Park; thence

easterly with the southern line of Leesville Industrial Park 2,700 feet ± to the centerline of Westgate Road (S.R. 1837); thence easterly with the centerline of Westgate Road 7,000 feet ± to the eastern property line extended of Wake County Tax Parcel 298-6; thence southerly 1,300 feet ± with said eastern line extended to a common corner between said Parcel 298-6 and Wake County Tax Parcel 299-11; thence easterly with a property line of said Parcel 11 a distance of 500 feet ± to an interior corner of Parcel 11; thence southerly with the western line of said Parcel 11 a distance of 1,200 feet ± to the northwest corner of Wake County Tax Parcel 299-227, said point being in said existing City of Raleigh extraterritorial jurisdiction as described in City Ordinance (1981) 581 ETJ 9a.

Exception: From the above-described extraterritorial jurisdictional area are excepted those areas which were annexed into and presently lie within the Raleigh corporate limits by virtue of Annexation Ordinances No. (1985) 590 and No. (1985) 591, such areas being fully described in this annexation ordinance, and the descriptions thereof being incorporated fully by reference into this Resolution.

Section 2. That pursuant to G.S. 160A-360(g) this resolution shall become effective immediately following its adoption by the Raleigh City Council and the adoption of a corresponding resolution by the County of Wake.

Adopted by City: September 3, 1985

Corresponding Resolution Adopted by County:

RESOLUTION NO. (1985) 941

A RESOLUTION TO AMEND THE EXTRATERRITORIAL JURISDICTION AGREEMENT BETWEEN THE CITY OF RALEIGH AND WAKE COUNTY

WHEREAS, NCGS 160A-360(g) provides that extraterritorial jurisdiction agreements between local governments may be modified from time to time by mutual consent of the legislative bodies concerned;

WHEREAS, the City of Raleigh seeks agreement with the County of Wake that their respective jurisdictions for planning and regulation of development purposes should be altered;

WHEREAS, the boundaries of the area in which the City of Raleigh exercises extraterritorial jurisdiction with respect to matters dealt with in Article 19 of Chapter 160A, North Carolina General Statutes, as the same now and may hereafter be constituted and numbered, are established and defined as beginning at the City's corporate boundaries as now established and hereafter modified and extending outward to a perimeter boundary line, approval of which was originally requested by the Raleigh City Council on June 19, 1972, and initially granted by the Wake County Board of Commissioners on February 5, 1973, and being shown on a map entitled, "Extraterritorial Jurisdiction, City of Raleigh, North Carolina," and dated March 12, 1981, as amended;

WHEREAS, the Raleigh City Council finds that the expansion of the jurisdictional area as herein described will allow the City the opportunity to regulate development to assure eventual efficient delivery of City services to this area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the extraterritorial jurisdiction area as determined under that agreement, dated February 5, 1973, as amended, between the City Council of the City of Raleigh and the Wake County Board of Commissioners be modified to include that area described as follows:

Beginning at a point in the proposed One Mile ETJ Extension of the City of Raleigh, dated August, 1985, said point being at the intersection of the centerline of S.R. 1646 and the Durham-Wake County line; runs thence easterly with said County line 1,600 feet ± to an interior corner of the Wake County line along Sycamore Creek; thence northeasterly with the Durham-Wake County line 9,000 feet ± to its intersection with the centerline of S.R. 1840 (Hickory Grove Church Road); thence southerly with the centerline of S.R. 1840 a distance of 5,300 feet ± to its intersection with the centerline of S.R. 1839 (Leesville Road); thence easterly with the centerline of S.R. 1839 3,200 feet ± to the centerline of S.R. 1834 (Norwood Road); thence northerly with the centerline of S.R. 1834 a distance of 1,200 feet ± to the centerline of S.R. 1826 (Ray Road); thence southeasterly with the centerline of S.R. 1826 a distance of 5,700 feet ± to its intersection with the centerline of S.R. 1833 (Macon Road); thence northeasterly with the centerline of S.R. 1833 a distance of 3,800 feet ± to its intersection with the northern line extended of Wake County Tax Parcel 279-4; thence easterly with the northern line extended of said Parcel 279-4 a distance of 900 feet ± to its intersection with the western line of Wake County Tax Parcel 279-5; thence northerly with the western line of said Parcel 279-5 a distance of 700 feet ± to its northwestern corner; thence easterly with the northern line of said Parcel 279-5 a distance of 2,650 feet ± to its northeastern corner; thence southerly 500 feet ± with the eastern line of said Parcel 279-5 to a common corner with the northeastern corner of Wake County Tax Parcel 279-6; thence westerly 450 feet ± to the northwestern corner of said Parcel 279-6; thence southerly 800 feet ± with the western line of said Parcel 279-6 to its intersection with the northern line of Wake County Tax Parcel 279-12; thence easterly with the northern line of said Parcel 279-12 a distance of 950 feet ± to its northeast corner; thence southerly with

the eastern line of said Parcel 279-12 a distance of 700 feet ± to the northwestern corner of Wake County Tax Parcel 280-111; thence easterly with the northern line extended of said Parcel 280-111 a distance of 350 feet ± to the centerline of S.R. 1831 (Rogers Store Road); thence southerly 100 feet ± with the centerline of S.R. 1831 to its point of intersection with the northern line extended of Wake County Tax Parcel 280-91; thence easterly 750 feet ± with said northern line extended to the centerline of N.C. 50; thence southerly 50 feet ± with the centerline of N.C. 50 to its intersection with the northern line extended of Wake County Tax Parcel 280-22; thence easterly with the northern line extended of said Parcel 280-22 a distance of 700 feet ± to its northeastern corner; thence southerly with the eastern line of said Parcel 280-22 a distance of 450 feet ± to its intersection with the northern line of Wake County Tax Parcel 280-6; thence easterly with the northern line of said Parcel 280-6 a distance of 1,500 feet ± to its northeastern corner; thence southerly 700 feet ± with the eastern line of said Parcel 280-6 to its intersection with the northern line of Wake County Tax Parcel 280-13; thence easterly 3,500 feet ± with the northern lines of Wake County Tax Parcels 280-13 and 280-40 to its intersection with the western line of Wake County Tax Parcel 280-90; thence southerly 30 feet ± with the western line of said Parcel 280-90 to its southwest corner; thence easterly 2,600 feet ± with the northern lines of Wake County Tax Parcels 280-40, 281-62, 281-7 and 281-8 to the centerline of S.R. 1005 (Six Forks Road), said point also being in the existing (8-1-85) City of Raleigh extraterritorial jurisdiction.

Section 2. That pursuant to G.S. 160A-360(g), this resolution shall become effective immediately following its adoption by the Raleigh City Council and the adoption of a corresponding resolution by the County of Wake.

Adopted by City: September 3, 1985

Corresponding Resolution Adopted by County:

RESOLUTION NO. (1985) 942

A RESOLUTION TO AMEND THE EXTRATERRITORIAL JURISDICTION AGREEMENT BETWEEN THE CITY OF RALEIGH AND WAKE COUNTY

WHEREAS, NCGS 160A-360(g) provides that extraterritorial jurisdiction agreements between local governments may be modified from time to time by mutual consent of the legislative bodies concerned;

WHEREAS, the City of Raleigh seeks agreement with the County of Wake that their respective jurisdictions for planning and regulation of development purposes should be altered;

WHEREAS, the boundaries of the area in which the City of Raleigh exercises extraterritorial jurisdiction with respect to matters dealt with in Article 19 of Chapter 160A, North Carolina General Statutes, as the same now and may hereafter be constituted and numbered, are established and defined as beginning at the City's corporate boundaries as now established and hereafter modified and extending outward to a perimeter boundary line, approval of which was originally requested by the Raleigh City Council on June 19, 1972, and initially granted by the Wake County Board of Commissioners on February 5, 1973, and being shown on a map entitled, "Extraterritorial Jurisdiction, City of Raleigh, North Carolina," and dated March 12, 1981, as amended;

WHEREAS, the Raleigh City Council finds that the expansion of the jurisdictional area as herein described will allow the City the opportunity to regulate development to assure eventual efficient delivery of City services to this area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the extraterritorial jurisdiction area as determined under that agreement, dated February 5, 1973, as amended, between the City Council of the City of Raleigh and the Wake County Board of Commissioners be modified to include that area described as follows:

Beginning at a point in the existing (8-1-85) City of Raleigh extraterritorial jurisdiction, said point being at the intersection of the centerline of S.R. 1371 (Lake Wheeler Road) and a tributary of Swift Creek known as Little Swift Creek or Steep Hill Creek, just below Yates Mill Pond; runs thence southerly 3,500 feet ± with the centerline of S.R. 1371 to its intersection with the northern line extended of Wake County Tax Parcel 678-21; thence westerly with the northern line extended of said Parcel 678-21 a distance of 3,000 feet ± to the centerline of S.R. 1379 (Penny Road); thence westerly with the centerline of S.R. 1379 a distance of 4,000 feet ± to its intersection with the centerline of S.R. 1382 (Hunter Road or Olde South Road); thence northerly 2,000 feet ± with the centerline of S.R. 1382 to its intersection with the northern line extended of Wake County Tax Parcel 677-119; thence westerly with the northern lines extended of Wake County Tax Parcels 677-119, 677-118, 677-117, 677-116, 677-115, 677-114, 677-113, 677-132 and 677-3 a distance of 3,200 feet ± to the northwest corner of said Parcel 677-3, said point also being a corner in Wake County Tax Parcel 653-94; thence northerly with a property line of said Parcel 653-94 a distance of 340 feet ± to an interior corner of said parcel, said point also being the northeast corner of Wake County Tax Parcel 677-160; thence westerly 1,940 feet ± with the northern lines extended (across S.R. 1384) of Wake County Tax Parcels 677-160 and 677-2 to the northwest corner of said Parcel 677-2, said point also being in the eastern line of Wake County Tax Parcel 653-8; thence

northeasterly with the eastern line of said Parcel 653-8 a distance of 870 feet ± to its northeastern corner; thence westerly with the northern line of said Parcel 653-8 a distance of 2,070 feet ± to the creek which forms the western line of said Parcel 653-8 and the eastern line of Wake County Tax Parcel 652-10; thence northerly with said creek 2,000 feet ± to its intersection with the southern line of Wake County Tax Parcel 653-2; thence westerly 700 feet ± with the southern line of said Parcel 653-2 to its southwest corner; thence northerly with the western line of said Parcel 653-2 a distance of 250 feet ± to the southeast corner of Wake County Tax Parcel 652-8; thence westerly with the southern line extended of said Parcel 652-8, across Wake County Tax Parcel 652-1, 3,800 feet ± to a point in the western line of said Parcel 652-1; thence northerly with the western line of said Parcel 652-1 a distance of 370 feet ± to an interior corner of said Parcel 652-1, said point also being the northeastern corner of Wake County Tax Parcel 652-44; thence westerly with the property line extended of said Parcel 652-1 a distance of 600 feet ± to the centerline of S.R. 1152 (Holly Springs Road); thence northeasterly with the centerline of S.R. 1152 a distance of 2,550 feet ± to its intersection with the southern line extended of Wake County Tax Parcel 627-41; thence with the southern line of said Parcel 627-41 the following calls: easterly 265 feet ±, northeasterly 50 feet ±, southeasterly 30 feet ±, easterly 330 feet ± to the southeastern corner of said Parcel 627-41, said point also being in the western line of Wake County Tax Parcel 627-172; thence northerly 360 feet ± with the western line of said Parcel 627-172 to its northwestern corner; thence easterly with the northern lines extended of Wake County Tax Parcels 627-172 and 627-46 to its intersection with the centerline of S.R. 1383 (Campbell Road); thence northerly with the centerline of S.R. 1383 a distance of 5,500 feet ± to its intersection with the centerline of S.R. 1152; thence westerly with the centerline of S.R. 1152 a distance of 420 feet ± to its intersection with the centerline of S.R. 1313; thence northerly with the centerline of S.R. 1313 a distance of 200 feet ± to its intersection with the centerline of S.R. 1009, said point also being in said existing Raleigh extraterritorial jurisdiction.

Section 2. That pursuant to G.S. 160A-360(g) this resolution shall become effective immediately following its adoption by the Raleigh City Council and the adoption of a corresponding resolution by the County of Wake.

Adopted by City: September 3, 1985

Corresponding Resolution Adopted by County:

***SEWER SERVICE - STRICKLAND ROAD AREA - APPROVAL TO CONNECT TO CITY SYSTEM GIVEN WITH CERTAIN CONDITIONS; ADMINISTRATION TO NOTE LIKE SITUATIONS ON FUTURE CR'S

At the August 6, 1985 Meeting, the Council denied a request for sewer service to a tract on Strickland Road because it would be served by a private on-site pump station.

The property owner subsequently requested that a further review be made to ascertain the possible conditions under which a connection could be made to the City utility system.

Administration has reviewed the need for sewer service to a thirty-acre acre area in the southwest corner of Strickland and Creedmoor Roads which includes the existing shopping center, the proposed housing site, and additional land which would be served by the eventual extension of a gravity sewer line. Since the current sewer line is over 9,000 feet from the site and would need to extend through a fully developed residential section, it is appropriate to consider a temporary alternative to the eventual extension of the gravity sewer line. It is suggested that approval could be given to a connection to the City utilities under the following conditions:

1. That the developer construct a pump station of sufficient size to serve the thirty-two acres in this area;

2. That the pump station will serve the shopping center and the other undeveloped property;

3. That the pump station be privately owned and operated until the City determines it is in the public interest to take over ownership and maintenance;

4. That the pump station design be approved by the City Administration and include provisions for remote radio monitoring;

5. That the developer pay to the City 22.5% of the estimated cost of the sanitary sewer line which would be extended to this site which is $59,000 with payment to be made as the associated property is developed with a proviso that the existing developed property payment will be made at the commencement of service; and,

6. That the property be connected to the City water system with extensions under normal City policy.

Recommendation: That the Council approve the request for service under the specified conditions and subject to a contract being developed for approval by the Council.

City Manager Benton explained the proposal.

Mrs. Block indicated this problem was brought about partially by the premature zoning to Residential-10. She indicated she wanted all Council members to think about this when other zoning cases come up that will call for the same thing. She stated the property was rezoned prior to sewer being available to it. Mrs. Cates indicated, evidently, there were advantages to us. City Manager Benton indicated the City is not obligated to provide the sewer service, but what Administration has done is try to develop a comprehensive way to deal with that area given the limitation that the area is developed residential. He stated the area was developed outside the City's jurisdiction, so no easements, etc., were put aside. After brief discussion, Mrs. Block moved approval of Administration's recommendation and asked that Administration note this type information on the CR's on upcoming zonings. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***LEADMINE ROAD CONSTRUCTION - REFERRED TO THE LAW AND FINANCE COMMITTEE

At the August 6, Council Meeting, Administration was requested to review the prior actions of the City on road projects in the Leadmine Road area north of Sawmill Road. A report was included in the Agenda packet. Before the Council Meeting, Administration met with individual developers concerned with this road question. City Manager Benton indicated the essence of the problem in the minds of some of the people in the area involved the disposition of the Old Leadmine Road. It was pointed out some of the property owners want to see this left in place so people can continue driving north. Mr. Walters stated he was really not ready to vote on this today and would request that the matter be referred to the Law and Finance Committee. Without objection, the item was so referred.

***SANITARY SEWER ENCROACHMENT - SUMMERSPRING LANE - OPTION GIVEN TO DEVELOPER

City Manager Benton indicated another builder has encroached on a sanitary sewer easement, and this time, it occurred at 8416 Summerspring Lane in the Summerfield North Subdivision. He pointed out the recently-constructed house is encroaching on a thirty-foot wide drainage and sanitary sewer easement that has been dedicated to the City. He explained our rules and procedures relating to easements, etc. He indicated this is a new builder in the area, and it is Administration's recommendation that the developer or owner be given two choices to try to alleviate this situation. The first choice would be that the porch of the house be moved or modified to give the City a ten-foot clearance from the sanitary sewer main and that the storm sewer would be relocated around the house in the existing easement. At that point, the portion of the storm sewer easement would be advertised for sale with a minimum bid of $100, or the owner or developer be given the choice that the sanitary sewer and storm sewer lines will be relocated and that the Council instruct the City Clerk to advertise this for an easement exchange so the mains can be moved. He indicated this would involve the adjacent property owner giving an easement. Brief discussion took place after which Mrs. Block moved that the developer and/or owner be offered this choice to resolve the problem. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***HOUSING STUDY - CONCEPT APPROVED - ADMINISTRATION TO REPORT BACK AT THE SEPTEMBER 17 COUNCIL MEETING

City Manager Benton explained at a previous Work Session, the City Council reviewed the Housing Study and requested Administration to develop an action plan to follow through with this study. He indicated Council members received a memo dated August 26, 1985, entitled, "Housing Study - Staff Summary and Recommendations."

Recommendation: That the Council appoint an advisory task force on Housing which should be composed of 12-15 individuals who have experience in the housing field and include individuals with backgrounds as proposed in the staff report and that Administration be authorized to develop a proposed list of task force members for consideration at the September 17, 1985, Council Meeting.

Mr. Walters moved that Administration's recommendation be upheld. His motion was seconded by Mrs. Cates. Mr. Congleton indicated he hopes that this would have two or three citizens at-large. Other discussion took place, with Mr. Calloway requesting if this will leave ample CD funds to carry out our program. City Manager Benton indicated the CD programs are not being changed due to any of these efforts. Mrs. Cates indicated she feels the composition of the Committee suggested by Administration looks good, and she hopes that some of the people on the Private Sector Housing Committee will be on this Advisory Task Force. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***THE CITY COUNCIL RECESSED AT 5:45 P.M. TO BE RECONVENED AT 7:00 P.M. WITH THE UNDERSTANDING THAT THE REMAINDER OF THE AFTERNOON AGENDA WOULD BE TAKEN UP DURING THE NIGHT PORTION OF THE MEETING. THE REMAINING ITEMS WERE DISCUSSED AFTER THE NIGHT PORTION OF THE MEETING.

***CULTURAL ARTS ACTION PLAN - VARIOUS ACTIONS TAKEN

It was explained at a previous Work Session, the Council reviewed this study and requested Administration to develop an action plan to follow through with the study. City Manager Benton presented Council members with the following information:

1. Annual Funding for Arts Organization

The proposal is to create a United Arts Fund to provide an annual fund-raising program that would support operating costs for the Arts groups.

It is recommended that the City Council designate the Raleigh Arts Foundation as the agency to initiate the United Arts Fund Program. This would be done with a stipulation that the initial effort will occur not later than 1987. The City should provide financial support in terms of paying the cost of consulting services to support the work essential to get this program underway. The approximate cost of such support would be $35,000. The City would make the final decision on the retention of the consultant.

The Raleigh Arts Foundation should be officially requested to be lead agency under the above-noted provisions.

2. Capital Facilities

The proposal for the Performing Arts Center is coming at the same time as the proposal for a Coliseum or Major Events Arena. The locations of each are properly proposed for the downtown area. Before proceeding further with site-related assessments, it is the recommendation that the City Administration be authorized to conduct an impact assessment with consideration to the potential location of each of these major facilities and their impact on the general area and each other. This would cover traffic flows, parking, pedestrian movements, land use, lighting, security and public transportation.

Following completion of the impact analysis, it would be appropriate to commence a more detailed analysis of the facilities suggested for the Memorial Auditorium site and the Auditorium itself.

It is suggested that the time schedule for the impact analysis would be six to nine months. Much of the work would be by administrative staff, but consultant services will be required. The cost is estimated to be $20,000.

3. There were several other recommendations involving the creation of a monthly calendar of events and development of a year-round plan of Arts Festivals.

It is recommended that Administration, through its Arts Office, be responsible for the monthly calendar.

It is recommended that Administration, in cooperation with the Arts Commission, develop a proposal for planning a year-round Arts Festival with funding to be considered in the 1986-87 Budget.

4. Raleigh Little Theatre

The proposal of the Raleigh Little Theatre was referred to Administration to be reviewed as part of the Cultural Arts Study.

This proposal involves -

a.	Constructing a Teaching Theatre addition	$400,000
b.	Renovation of existing structure and equipping Teaching Theatre	150,000
c.	Endowment for Teaching Theatre	250,000
	Total	$800,000

It is recommended that the City participate in the renovations to the existing theatre as a first priority and the construction of the Teaching Theatre addition as a second priority.

It is further recommended that the funding be considered as part of the 1986-87 Capital Improvements Program and that, if the City is financially able to participate, it would do so on a project which included only the construction work and would involve a matching of private funds for the construction work.

Ms. Babb questioned the Raleigh Arts Foundation, its membership, how long it has been established and how it was established. City Manager Benton indicated it is a spin-off of the Raleigh Arts Commission and explained that it was set up to receive this type payment or contributions for arts-related projects. He stated it has been incorporated and has its IRS standing which allows it to be a legal entity. He stated it has been in operation about two years, and they had two specific objectives originally. One was the establishment of a major endowment, and the second objective was to get into some annual fund-raising drive. He indicated the City's need is an annual fund-raising drive. Discussion took place on the status of the Raleigh Arts Foundation. City Manager Benton indicated he had talked with representatives of the group on an informal basis, and if the Council wanted to proceed, the City Council should officially request them to do this and come back and confirm their commitment

to the City. Discussion took place on what type fund-raising event, with City Manager Benton indicating it is important to make a distinction between annual operating costs versus capital costs, and this fund-raising event is to meet the annual operating needs of arts groups and does not deal with capital outlay. Ms. Babb moved that the City Council approve the concept as described in Point 1 relating to the annual funding for arts organizations and ask the City Manager to work with the groups to draw up an agreement listing things that we and they understand as she feels it is very important that everyone be on the same wavelength. This agreement would be brought back to the Council. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mr. Congleton moved the Council approve the remainder of the report as presented. His motion was seconded by Mr. Calloway. Mrs. Block indicated she has concerns relative to capital facilities, and she wanted it part of the record that if we have another coliseum, she feels it should be somewhere other than downtown. Mrs. Cates indicated she is not comfortable with the first sentence in Point 2. She indicated coliseums in other cities throughout the nation have financial problems, and she does not want us to go so far that we get to the point of no return. She questioned if this type facility will be used in the City of Raleigh. Mr. Congleton spoke to meeting facilities and coliseums in downtown areas of other cities. He also spoke to the commitment of this City Council's and previous City Councils' efforts towards revitalization of downtown. He indicated the group working on the coliseum item are very responsible citizens, and they will be coming with their recommendations. Mrs. Cates indicated she liked the idea of traffic studies, etc., but she just did not want us to get locked into something by moving too fast. Mayor Upchurch pointed out this just a step in the planning process, and we have obligated so little staff time and money in this project, and he feels this is an appropriate move. Mrs. Cates pointed out a market study is what is missing, in her opinion. City Manager Benton indicated he felt that would be in the report of the Coliseum Committee as he feels we will be getting some marketing information. He stated we do have some information in the report from performing arts. He stated with the information being suggested, if it is determined that the site is a conducive site, then there will be other work that has to be done. After other discussion, the motion, as stated, was put to a vote which resulted in all members voting in the affirmative, except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

***OLIVIA RANEY LIBRARY - SALE - TERMS AMENDED

City Manager Benton briefly explained the terms or conditions of sale of the Olivia Raney Library Building to the State. He indicated one of the conditions was that the closing take place on or before September 2. He indicated this condition could not be met, and it is felt that this closing could take place by September 30. However, at this point, he would request that the City Council remove, as a condition of the sale, that the closing transaction take place by September 2. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***COURIER SERVICE - AGREEMENT WITH PONY EXPRESS - APPROVED

An agreement has been developed with the "Pony Express Courier Corporation" to deliver Council Agendas. A copy of the agreement was enclosed in the Agenda packet. Funds are budgeted for this agreement. Mr. Walters indicated he saw no need for this, and questioned why it was proposed. This was discussed briefly, after which Mr. Calloway moved the recommendation be upheld. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative, except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

None.

REPORT OF MAYOR AND COUNCIL MEMBERS

***FALLS WATERSHED LAND USE/NORTHERN WAKE EXPRESSWAY RIGHT-OF-WAY PROTECTION - PROPOSED TEXT CHANGE AUTHORIZED

Mayor Upchurch indicated Sutton Estates Development is about to occur in the Falls Lake Watershed. He indicated this involves right-of-way for the Northern Wake Expressway. He stated he had talked with the developer in an effort to try to protect the right-of-way. He indicated we could do nothing, and the developer could develop the property, including the road right-of-way, and it would be lost or we could do a transfer of density. He presented Council members with the following prepared information:

Specific Case: Sutton Estates

The development planning on this site began prior to the adoption of the Falls Lake Watershed Policy. The pertinent factors are as follows:

Total acreage:	121
Acreage within right-of-way:	35
Total lots proposed:	94

Number in right-of-way: 29

Current-zoned use: Rural Residential

Falls Lake regulations require minimum of 80,000 square foot lots north of Expressway and R-1 south of Expressway.

Subdivision allowed to be approved as R-1 which was previous zoning use.

This subdivision is now under active development. Subdivision plans have been approved by Council. Grading permits have been issued.

To address the need to protect the right-of-way, the following plan is suggested:

Possible Density Transfer Option for Rural Residential Zoned Land Only

Allow transfer of density for area in the right-of-way of Expressway which is in excess of 90 feet in width at a R-4 rate to other property owned by the developer and adjacent to the property in the right-of-way. This proposal would have the following additional stipulations:

1. Development must comply with all other water quality standards including retention of runoff.

2. Land must be dedicated to the City.

3. Extension of water and sewer services would be permitted by the City to serve the property adjacent to the right-of-way on which the density transfer is made.

4. Gross density of the tract including the area in the right-of-way will not exceed two units per acre.

5. City will extend water to the boundary of the property to be developed and the owner will extend the water into the property under normal development practices. Normal acreage fees are applicable.

6. City will permit the owner to install a sanitary sewer pump station and force main to connect to the City system. All residences will be connected to the City system. The pump station will be designed with safety measures prescribed by the City to prevent any overflow conditions. City will accept the pump station and force main for maintenance upon satisfactory completion.

   The pump station and force main are acreage fee eligible.

7. North Carolina Department of Transportation will participate in the storm detention construction program as part of the Expressway construction.

8. City will use its enabling authority to establish an open space plan with associated facilities fees to assure that land is available for State to utilize in runoff control program.

Potential Impact on Sutton Estates:

Acreage within right-of-way - 35 acres

Estimated area outside 90-foot right-of-way - 30 acres

Density transfer - 120 units

Acreage outside right-of-way - 86 acres

Allowed density - 86 units

Total allowed units - 206 units

Density - 1.7 units per acre

Acreage fees

Water - 86 acres @ $770 = $66,220
Sewer - 86 acres @ $770 = $66,220

There is now pending in the Planning Commission a text change on density transfer. It was the result of the Falls Lake Study. A public hearing was held, and it was referred to the Planning Commission. It allows density transfers of one-half (1/2) the allowed density. To implement the suggested program, it would be necessary to either modify the existing text change or initiate a new text change which would require a subsequent public hearing.

City Manager Benton explained the land in question and the options we have to protect this right-of-way. He explained that this subdivision came in and was in the review process at the time the Falls Watershed Policy was being adopted. He talked about

the interchanges of the Northern Wake Expressway and how this property is involved. He further explained, in the Falls Lake Basin, there are approximately 275 acres of land in the corridor of the Expressway, explaining over half of this is tied up with the interchanges. He briefly explained the City Council policy that in the Falls Lake Basin, nothing but residential will be allowed. Mayor Upchurch indicated what he is suggesting or requesting is that the City Council advertise this concept as a specific text change that will allow the Council to discuss transfer of density on this particular piece of land. Ms. Babb moved the Mayor's recommendation be upheld. Her motion was seconded by Mr. Calloway. Mayor Upchurch explained this is not a transfer of density off-site, and that is something else. What he is talking about is transfer of density on-site. Mrs. Block indicated, in her opinion, this is a violation of the Falls Lake Policy, and this is just the first of what will be many requests. She stated she thought the City of Raleigh was going to set a good example for other governmental units in protecting the basin, and it looks to her that these good intentions are going by the wayside, and this would be tantamount to a zoning change without a hearing. Mayor Upchurch indicated he feels very strongly about the Falls Lake Policy and that has not changed, but we are talking about the corridor for the Northern Wake Expressway, and he feels it is important that the Council deal with this issue. He stated he did not know how else we could build the road without doing this, pointing out you could not move the road closer to the City. He stated he does not like the situation we are in, but if we do not do something, we are going to lose the corridor, and he feels this is the only way we can protect the corridor. Mrs. Cates stated she would be happier if we were talking about transfer of density off-site as this site already has more density than the Falls Policy would allow. She questioned if this would not be a violation of the water and sewer extension and also questioned the wiseness of putting this much residential this close to the outer beltloop. She stated she cannot see going forth with a text change of this magnitude just to cover this particular case. Mayor Upchurch indicated it is not just for this particular site and urged Mrs. Cates to think about what she is saying about transfer off-site, pointing out that is a very complicated issue. He stated by doing what he is suggesting, in his opinion, would not be violating our policy. He stated we may be amending our policy, but he does not feel it would be a violation. He stated he feels we would be protecting our policy as we would be controlling runoff and discharge of sewer. He called on the Council to recognize the tremendous public interest that would be served by protecting the corridor of the Northern Wake Expressway. He stated he did not know of any other way we could acquire this land other than dedication, and if houses are built in the corridor, then our chances are gone. He stated if we miss the interchanges and protecting those locations, our chances for a Northern Wake Expressway are gone.

Mr. Congleton indicated this is sort of a Catch-22 situation. He stated it was discussed during approval of this subdivision, and when the subdivision was approved, if the City Council was uncomfortable with working with density transfer, then that should have been considered. He questioned if the City Council would be willing to put up the money to acquire the right-of-way, pointing out, in his opinion, that is the only two alternatives we have--purchase the right-of-way or consider transfer of density. He stated he personally feels very comfortable with purchasing the land, and if the City Council is not comfortable with purchasing the land, then he feels they have to consider the text change as he feels we have to preserve the right-of-way. He stated we have to look beyond the election and see what is in the best interest of the City and the future of the City. Mr. Keller indicated he had thought about this a lot, and regardless of what comes out of the proposal to have a public hearing, there is no way he would ever vote to urbanize this area, and there is no way he would vote for this text change as, in his opinion, that would be the first step in urbanizing the area. He stated he would support purchasing the land if we have to, with Mayor Upchurch indicating he did not see this City Council voting to purchasing the land. Mrs. Block indicated the City has said it was going to protect the watershed and, in her opinion, that is more important than protecting the right-of-way. She indicated the County Commissioners today passed a resolution supporting a five cents gas tax increase with the additional money going to acquisition of right-of-way and roads. She stated this area is outside the City, and she does not think that the City of Raleigh should spend money outside the City. She stated she would be willing to support an increase in gas taxes. Mayor Upchurch pointed out the right-of-way cost is approximately forty percent of the cost of building the road, and you could raise gas taxes to a dollar and still not have enough money. He stated we have to work with the developers in acquiring the right-of-way.

Ms. Babb indicated she understands Mr. Congleton's and Mayor Upchurch's comments, pointing out the State DOT has made it very clear that if this area wants an outer beltloop in our lifetime, we are going to have to come up with the right-of-way. She asked for a ballpark figure of the cost of these roads, the interchanges, etc. City Manager Benton indicated there is about 275 acres in the watershed involved, and raw land is selling for about $30,000 per acre. He stated there we are talking about approximately 8.2 million dollar costs for land acquisition, pointing out you would have to discount that amount somewhat to take into consideration dedicated right-of-way. He stated, in this particular incident, there is thirty-five acres in the gray area, about thirty which would be outside the ninety-foot right-of-way. Mrs. Cates indicated she felt a little discouraged as she felt the developers were going to try to help us secure the right-of-way. She stated she feels pressured having to vote on this issue today, pointing out probably eighty percent of the people who live in the City of Raleigh could care less whether the outer beltloop is built or not. She stated ever since she has been on City Council, the City has been dealing with this particular subdivision, and she feels pressured into acting before we get a policy in place. Mayor Upchurch indicated we have known since January that we would have to face this issue, and we should have come to grips with the fact that if something is not done, the development will be constructed. After brief discussion,

Mr. Congleton made a substitute motion that the City Council begin negotiation for acquisition of this land. His motion was seconded by Mr. Keller. Mr. Congleton stated this is an alternative that will allow us to deal with this particular case. Ms. Babb indicated she did not see how we could authorize Administration to enter into negotiations when we do not know where the money is coming from, the funding source or even if we have any money. The substitute motion was put to a vote which resulted in Mr. Keller, Mr. Congleton and Mayor Upchurch voting in the affirmative and the remainder of the Council voting in the negative. The Mayor ruled the motion defeated. The original motion was put to a vote which resulted in all members voting in the affirmative except Mrs. Block and Mrs. Cates who voted in the negative. The Mayor ruled the motion adopted.

***SIDEWALK IMPROVEMENTS - GLASCOCK STREET - RESOLUTION OF INTENT ADOPTED

Mr. Walters indicated improvements have been made on Glascock Street, but there is an area that we do not have sidewalks; that is in the area of the culvert. He moved that the City Council adopt a Resolution of Intent to install sidewalks in this area. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-930

A RESOLUTION OF INTENT TO MAKE SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND TO SET A PUBLIC HEARING

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require sidewalk improvements without petition under the conditions therein set out; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following sidewalk improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of sidewalks on Glascock Street, south side, from the existing sidewalk east of Norris Street east to Brookside Drive.

Section 2. New sidewalk construction or extensions shall be assessed according to property frontage on the improvements and shall be assessed by an equal rate per foot of such frontage. If it is determined that a new sidewalk shall be constructed or extended on only one side of the street, the cost thereof may be assessed property abutting on both sides of the street by an equal rate per foot of frontage, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed abutting property. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 3. That the terms and manner of payment of sidewalk improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in equal annual installments, such installments to bear interest at the rate of 6% per annum on any unpaid balance. However, any assessed less than one-hundred dollars shall be paid in cash within ninety days of confirmation rather than in annual assessments.

Section 4. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 5. That a public hearing on all matters covered by this resolution shall be held on Tuesday, October 15, 1985, in the Council Chamber, Municipal Building, Room 201, at 1:00 P.M., or as soon thereafter as the matter can be reached.

Adopted: 9/3/85

***TRAFFIC PROBLEMS - YONKERS ROAD - REFERRED TO ADMINISTRATION

Mr. Walters indicated he had had several complaints about the traffic situation on Yonkers Road. He indicated Yonkers has recently been reclassified from a major to a minor collector. He stated a number of businesses have just opened or were about to open on Yonkers Road, and there is already traffic problems. He stated you could not make a left turn into Carolina Builders because you cannot get across traffic. Administration was asked to look at the area and make suggestions.

***INTERNATIONAL FESTIVAL GROUP - INFORMATION RECEIVED

Mr. Walters indicated the International Festival Committee will be meeting with the various ethnic groups tomorrow night at the Civic Center and invited all Council members to attend. The information was received.

***TRAFFIC SITUATION - OLD WAKE FOREST/FALLS OF NEUSE ROAD - ADMINISTRATION TO PROVIDE REPORT

Mr. Congleton indicated he was very concerned about the bumper car situation on Old Wake Forest/Falls of Neuse Road. He stated he did not know how to approach this, but he would like to see the staff and the State DOT to do a survey or something in terms of the citizens' feelings about the seven-lane traffic versus the time they save in getting to work. He questioned if there are alternatives or the possibility of going back to five lanes. He indicated the traffic does move somewhat faster with the seven lanes, but he does not know if the citizens, due to the tight lanes and congestion, are willing to risk a wreck in order to get to work a little quicker. He indicated he sees other towns utilize alternating lanes and questioned if this is a possibility or if it is possible to have six lanes instead of seven. He pointed out it is just a very tight situation and explained a number of school buses have to use Wake Forest/Falls of Neuse. He indicated maybe this should have been addressed more by the City when the State decided to go to the seven lanes. He stated he did not know how to do it. Maybe we could put something in the newspapers, public service announcements, etc., but he would like Administration to look at the possibility of conducting a survey to see if people are satisfied with the existing conditions. He pointed out he knew it would increase traffic congestion if we cut back on the number of lanes, but he just feels it should be studied. Mrs. Block indicated, in doing this study or survey, maybe we could compare an accident history for a three-month period prior to the increasing the number of lanes and a three-month period since the seven lanes have been installed. Without objection, the item was referred to Administration.

***SEWER CHARGE - OVERPAYMENT - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mrs. Block indicated she would like to refer an item to the Law and Finance Committee about a refund requested by Amelia Grimes, 4826 Brookhaven Drive. She indicated, as she understands it, because of an error on the part of the City, she made an overpayment for a sewer service and would like to get a refund plus interest. Without objection, the item was referred to the Law and Finance Committee.

***STREET IMPROVEMENTS - OLD FAYETTEVILLE ROAD - REFERRED TO ADMINISTRATION

Mrs. Block indicated some discussion had come up about possible improvements to Old Fayetteville Road. She asked about the possibility of sending this to public hearing to consider improvements. City Manager Benton questioned if it would be all right if Administration did some preliminary assessment of what a project would cost and bring that information back to Council at which time, the Council could consider whether to send it to public hearing or not. He stated there are some major problems with setbacks, etc. Mrs. Block indicated it is in bad condition, and maybe if we do not improve it, we could at least resurface it. The item was referred to Administration.

***RECYCLING - ADMINISTRATION TO PROVIDE REPORT

Mrs. Block indicated she read in the newspaper that we were discontinuing recycling paper. She indicated at the Kent Road site, it is always full of bundles of papers, and people have been very faithful in trying to help in this effort. She indicated getting this newspaper out of the landfill is advantageous to us, and she would like for Administration to consider the cost of the recycling program, taking into account life expectancy at the landfill and bring back a recommendation. Without objection, the item was referred to Administration.

***GRADING - WITHOUT PERMITS - COMMENTS RECEIVED

Mrs. Block indicated developers are doing grading all over the City without permits. She indicated this recently occurred on Lundy Drive. She questioned the possibility of the police looking for permits on grading sites and recording if they are not posted. City Manager Benton indicated we do not require a grading permit to be posted on the site. Mrs. Block indicated she was just concerned about this problem. No action was taken.

***MOUNT HOPE CEMETERY - POSSIBILITY OF IMPROVEMENTS - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he felt we need to do some improvements at the old Mount Hope Cemetery such as installing a protective fence or buffer, indicating he was concerned particularly about the southwest corner. He stated it is next to an industrial use, there are a lot of trucks, etc. He indicated the City Manager had told him that improvements could be funded out of the general fund. He stated hopefully we can do something to improve the effort as well as do something with the roads in the area. The item was referred to Administration.

***PARK LAND ACQUISITION - UPDATE REQUESTED

Mrs. Cates indicated since this City Council has been in office, thirty-two and one-half acres of park land have been acquired. She stated development is occurring at the rate of 1,500 acres per year; therefore, she gets panicky as she is afraid all of the land will be taken up, and we will be left without park sites. She stated she feels our acquisition program is disgraceful, and she would like an update on the status of acquiring park land. City Manager Benton indicated it is a tough situation because of the escalating development. He indicated we are in the process of acquiring land, pointing out it takes time to get good appraisals, etc. He stated we have completed the appraisal process on several tracts and are working with

developers on other tracts, with Mrs. Cates indicating, as she understands it, the City Manager feels we are going along as fast as we can. City Manager Benton indicated he would like to have more land in hand, but we are moving along as fast as possible.

***LEAF PICKUP - INFORMATION TO BE PROVIDED

Mrs. Cates indicated it is about the time of the year that we will begin receiving calls about the leaf pickup program. She indicated we did some improvements to our program last year, and she understood we were probably making some improvements this year. She stated last year, the first round of leaf pickup was very early and caused many concerns. She stated she feels that the City Council should get a chance to review the program before it actually starts. Without objection, Administration was asked to provide a report.

REPORT OF CITY CLERK AND TREASURER

***MINUTES - AUGUST 6 - APPROVED

The minutes of the August 6, 1985 Council meeting were presented. Mr. Walters moved approval of the minutes as presented. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SANITARY SEWER EASEMENT EXCHANGE - YONKERS ROAD/YORK PROPERTY - APPROVED

During the July 16, 1985, Council Meeting, the City Council adopted a Resolution of Intent to exchange sanitary sewer easements relating to Lot 15A on Yonkers Road/York Property. The proper procedures have been followed, therefore, it is recommended that the City Council adopt a resolution exchanging the sanitary sewer easement as advertised. Mr. Walters moved the recommendation, as outlined, be upheld. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-931

A RESOLUTION TO AUTHORIZE THE EXCHANGE OF CERTAIN SANITARY SEWER EASEMENTS

WHEREAS, on July 16, 1985, the City Council adopted Resolution No. 1985-893 relating to the City's intent to exchange sanitary sewer easements situated on Lot 15-A on Yonkers Road/York Properties; and

WHEREAS, all procedures as set out in General Statute 160A-271 have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the easement as outlined in Resolution No. 1985-893 be exchanged and appropriate maps recorded.

***SANITARY SEWER EASEMENT EXCHANGE - BROOKHAVEN SUBDIVISION - APPROVED

During the August 6, 1985, Council Meeting, the City Council adopted a Resolution of Intent to exchange sanitary sewer easements relating to Lot 166, Phase I, Section 16, of the Brookhaven Subdivision. The proper procedures have been followed, therefore, it is recommended that the City Council adopt a resolution exchanging the sanitary sewer easements as advertised. Mr. Walters moved the recommendation, as outlined, be upheld. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-932

A RESOLUTION TO AUTHORIZE THE EXCHANGE OF CERTAIN SANITARY SEWER EASEMENTS

WHEREAS, on August 6, 1985, the City Council adopted Resolution No. 1985-895 relating to the City's intent to exchange sanitary sewer easements involving Lot 166, Phase I, Section 16, of the Brookhaven Subdivision; and

WHEREAS, all procedures as set out in General Statutes 160A-271 have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the easements as outlined in Resolution 1985-895 be exchanged and appropriate maps recorded.

***ADJOURNMENT

There being no further business, the Mayor announced the meeting adjourned at 10:00 p.m.

Gail G. Smith
City Clerk

mm/SP8(1)

The City Council of the City of Raleigh met in a regularly reconvened meeting on Tuesday, September 3, 1985, at 7:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

***WATER BILL - 118 EAST LEE STREET - EIGHTEEN-MONTH PAYMENT PERIOD AUTHORIZED

Nathan Harley was at the meeting representing Mrs. Cora Jones of 118 East Lee Street. He indicated Mrs. Jones has a balance of $473.01 on her water bill. He indicated she had a leak that started in February, 1985, and it looks like the leak went on until sometime in July, 1985. He indicated that Mrs. Jones is seventy-three years old and her only income is $325 per month SSI. He stated she does get additional help for her grandson who lives with her. He stated Mrs. Jones wants to pay her water bill but needs to be put on a payment plan. City Manager Benton indicated there were several months of high water bills. He indicated this bill has been adjusted according to administrative policy. He indicated the City Council may wish to let Mrs. Jones pay on a twelve-month payment plan. Mr. Calloway questioned if we could make this an eighteen-month period, pointing out she still has to pay her regular water bill. Mr. Congleton indicated he appreciates Mrs. Jones coming forward and saying she is willing to pay her water bill, just asking for additional time. Therefore, he would move that the excessive water bill at 118 East Lee Street be paid over an eighteen-month period with the understanding her regular water bill would be paid timely. His motion was seconded by Mr. Calloway and, after brief discussion, put to a vote which passed unanimously.

Mrs. Cates questioned if we put the tags on the door to indicate a high water bill. City Manager Benton indicated we have that policy, but he could not say whether one was put on this door or not. Mr. Harley indicated this is an elderly lady, and he does not know whether the tag was put on the door, and even if it were, if she understood what it meant. Mrs. Cates asked Administration to be sure we are using that procedure.

***WATER BILL - 3709 SUMMER PLACE - REFERRED TO THE PUBLIC WORKS COMMITTEE

Mr. and Mrs. James R. Paul were at the meeting, indicating they received their July water bill in August on a Saturday, and it was over $200. He indicated he called the emergency water repair number and was told to call back on Monday. He indicated on Monday, he was advised he would have to find the leak himself, which he did. He stated he had a plumber make the repairs that day. He indicated he had gone by the Water Department, and the bill for the month of August was over $1,500. Mr. Paul explained the dates the water meter was read and when he received the bills. He explained they did not see any water running in the yard and explained where the break in the water line was. Mr. Congleton indicated this is a rather high bill, and he feels that it should be referred to the Public Works Committee and let them look at it. Mrs. Paul indicated she had heard earlier conversations relative to tags being placed on a door when a high water bill is rendered, and they did not receive a tag on their door. Without objection, the item was referred to the Public Works Committee.

***ENCROACHMENT - 1400 SOUTH BLOUNT STREET - REFERRED TO ADMINISTRATION

Douglas T. Fink, Plant Manager of Cargill, Inc., 1400 South Blount Street, was at the meeting indicating they have discovered that a fence on the Blount Street side of their property encroaches on the City right-of-way. He indicated this encroachment was discovered when they decided to do some remodeling to their plant site. He stated they would like to purchase a strip along that property approximately two to six feet wide, approximately 1,000 feet long. City Manager Benton indicated the encroachment should be removed or resolved either by removing the fence or granting an encroachment agreement. He stated the appearance should be improved if an encroachment is allowed. He stated the Council may want to refer this to a Committee, as at this point, he does not recommend disposition of the property. Mr. Walters moved that this item be referred to Administration for report back to Council. His motion was seconded by Mrs. Block. Mr. Fink indicated the fence has been there over thirty years. He indicated it is approximately six inches over the line. He explained problems they have with their water cooler and grain drying building and clearance they need around these facilities. Brief discussion took place on the condition of the fence, after which the motion to refer the item to Administration was put to a vote and passed unanimously.

***MIDWAY MOBILE HOME PARK - REQUEST FOR VARIANCE IN PAVING REQUIREMENT - REFERRED TO THE LAW AND FINANCE COMMITTEE

Selma Longmire, representing Midway Mobile Home Park on Jones Franklin Road, indicated she was the owner and operator of the park. She explained she has sixteen mobile homes in the park that have been there since 1973. She stated she would like to expand the mobile home park by adding twenty-one more lots. She indicated she understands in order to do this, she would have to pave the street, and she is at the meeting to request that she not be required to pave the street at this point, and later at her convenience, she could come in and pave the street. She indicated she did not have pictures of how the park looked when she took it over but presented some pictures showing how it looks now, pointing out she has done a lot of improvements, etc. She presented engineering plans for the proposed improvements. City Manager Benton indicated this is an existing mobile home park that was brought into the City's jurisdiction in 1980. He explained the existing street is unpaved. He stated because the owner plans to expand beyond the twenty-five percent, the Code requires paving of all of the streets to bring it into conformance. He indicated the Council may want to refer this to a Committee to review the site plans and plans for expansion. Without objection, the item was referred to the Law and Finance Committee.

***OAK PARK WEST TOWNHOMES DEVELOPMENT - SIDEWALK LOCATION VARIED

Glenn D. Ward, representing Oak Park Village Associates, explained the topography in the area of the development. He indicated this property is located on Duraleigh Road which is a major collector street to be widened to sixty feet. He indicated there is a 100-foot right-of-way in this location. He indicated because of the topography, etc., the owner would like to at least move the sidewalk in toward the curb and gutter instead of leaving it back at the required location. City Manager Benton indicated, as he understands this, the applicant is requesting that the sidewalk location be adjusted to treat it as a sixty-five foot street on a ninety foot right-of-way. He stated Administration has no objections to that. He stated Administration would object to the request as written on the Agenda; that is, the elimination of the sidewalk. Mr. Walters moved that the sidewalk location be varied as suggested by the Manager. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CHRISTMAS CELEBRATION ON THE MALL - USER'S FEE - WAIVED

JoAnn Williford, representing State Capital/Raleigh Merchant's Bureau, was at the meeting to request the Council to waive the user's fee for the Fayetteville Street Mall on the evening of December 10, 1985, in connection with the annual Christmas Celebration on the Mall. City Manager Benton indicated Administration has no problem with this request. Mrs. Cates moved waiver of the user's fee as requested. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ENCROACHMENT - WOODBURY GARDEN CLUB ENTRANCE SIGN - APPROVED CONDITIONALLY

Becky Rickman, representing the Woodbury Garden Club, was at the meeting indicating they want to replace an entrance sign to their neighborhood because the present one is in extremely bad condition. She indicated they are afraid that someone is going to be hurt. She stated she had the sign drawn up, pointing out it does meet City guidelines and came in to to get a building permit and was told that this was on City right-of-way; therefore, she would have to request an encroachment agreement. She stated she was at the meeting to request the encroachment agreement to allow them to replace the sign but is also requesting the City waive the insurance requirement as there is no longer a homeowners association or no one who could carry the insurance.

City Manager Benton indicated this would be a replacement of an existing sign. He stated he has no problem with the request being approved as long as the design is of wood construction and is of a breakaway nature. He stated the question of waiver of the insurance requirement would have to be addressed by the Council. City Attorney McCormick indicated it is within the Council's authority to waive the insurance requirement. It is a policy question. Mrs. Block indicated she appreciated the good things that garden clubs do in the City, but when it comes to safety, she could not waive the requirement. City Attorney McCormick indicated apparently there is a sign on the right-of-way already, and so the City is exposed to some liability anyway. Ms. Rickman indicated the present sign apparently was put up by the builder. She stated they had looked at the possibility of putting the sign on either side of the street but was told she would have a zoning problem with that. After brief discussion, Mr. Walters moved approval of the encroachment agreement with the waiver of the insurance requirement, with the understanding that the sign meets administrative approval. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***STREET NAME CHANGE - FAYETTEVILLE STREET - INFORMATION RECEIVED

Dr. R. E. Jones, Jr., was at the meeting and explained his grandfather was J. W. Yeargin who was born December 15, 1881, and lived to be 101-years old. He indicated Mr. Yeargin was one of the finest men he knew, explaining he was a church leader, civic leader, etc. He read information about Mr. Yeargin's life and recognitions he had received. He indicated he is in the process of circulating a petition to request that the 900 through the 1800 blocks of Fayetteville Street be renamed the J. W. Yeargin Drive. He indicated it is hoped that they can get 100 percent of the involved property owners to sign the petition. He stated he was just at the meeting

to give this information to the Council and ask the Council to hold this item to give him an opportunity to get the petition.

City Manager Benton indicated, as he understands, this is for information only. He explained the proper procedure, if a petition is received, is to refer it to Administration to review, make a recommendation to the Planning Commission and then the Planning Commission makes a recommendation to the City Council and a hearing is held. Mrs. Block pointed out this street is in Caraleigh, and she had had several requests to pave it. She indicated, in addition, the Caraleigh Neighborhood Association should be advised of this pending petition. She indicated many people do not like to have their street name changed and questioned if Dr. Jones had thought of trying to get a new street named after him. Dr. Jones indicated that would be fine, but Mr. Yeargin lived on Fayetteville Street and was instrumental in building Washington School; therefore, he would think it would be appropriate to rename that street. The item was received as information.

***ENCROACHMENT - HARDEE'S AT TOWER SHOPPING CENTER - REFERRED TO THE STATE

Tim Brown, representing Boddie-Noell Enterprises, Inc., was at the meeting to ask the Council for permission to enter into an encroachment agreement relating to Hardee's at Tower Shopping Center. He indicated they have recently discovered that their property encroaches on the right-of-way of Trawick Road. City Manager Benton indicated the encroachment is approximately 280 square feet of curb, gutter and pavement and a two-foot encroachment of a parking bay and lot light. He explained that this street is on the State system; therefore, the proper place to request this encroachment would be before the State. Mr. Brown indicated he would contact the State.

***FIREARMS - DISCHARGE IN THE CITY - NO ACTION TAKEN

Ray Upchurch was at the meeting to request the Council to waive the prohibition against discharge of firearms in the City Limits in order to allow Westinghouse to sponsor a turkey shoot on October 26 on their property on North Boulevard. He indicated this would be for company employees only. He briefly explained this is a family picnic day, and the turkey shoot was just one of the events they planned. City Manager Benton indicated from an Administrative standpoint, there was no objection provided the site was laid out with safety concerns in mind. He stated he does have some concern about this being a repetitive activity and other similar events being requested in the City. He indicated Westinghouse does have a large site and could probably handle it safely but does have concerns about the precedent setting. City Attorney McCormick indicated if the Council wanted to do this, they would just have to repeal the ordinance prohibiting discharge of firearms in the City for the day. Mayor Upchurch indicated he did not want to do this, and after brief discussion, Mrs. Cates moved denial. Mayor Upchurch indicated rather than denying the request, he felt it would be better just not to take action, with Mr. Upchurch indicating he understood the Council's concern and would not pursue it further.

***BUSINESS DISTRICT - REQUEST TO EXPAND BOUNDARIES - REFERRED TO THE DOWNTOWN COMMITTEE

Steven W. Guth indicated he has lived in the City of Raleigh some nineteen years, and he hopes to open the old Del Reno Building at the corner of Harrington and Hillsborough Streets for a jazz nightclub. He indicated he was in the process of doing the renovation and had passed all of the inspections thus far. He indicated he thought he was going to be able to get the parking on the parking lot across the street, but that did not pan out. He stated, therefore, he was asking why the special business district excepted from off-street parking could not be expanded from its present western border, which is Harrington Street to the Southern Railroad. He explained this change would encourage businesses such as entertainment centers which are subject to these requirements to locate downtown in an area that would be well suited for such activities. He explained the expansion of the special district to the Southern Railway line would have other advantages to the City of Raleigh such as: (1) Provide additional space for growth and revitalization of the downtown area, not only during weekdays, but during nights and weekends when downtown presently becomes deserted; (2) the Southern Railroad line would provide a natural and consistent boundary for the district; (3) the location of such businesses in this district will not affect residential districts; and (4) the expansion of this district will not significantly affect downtown parking availability.

City Manager Benton indicated the City Council has authorized a study of downtown parking, and that report is due soon. Therefore, he believes it would be appropriate to consider this request and address it in the context of the parking study. Therefore, he would recommend that this request be referred to the Downtown Committee to review when the parking study is presented. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously.

***COLLECTOR STREET PLAN - REQUESTED AMENDMENT AND AMENDMENT TO ALLOW PRIVATE STREETS IN THE PRIMARY RESERVOIR WATERSHED AREA - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Ben Taylor was at the meeting to request the Council to make a revision to Section 10-2072(b) to allow private streets in the Primary Reservoir Watershed Protection Area. He stated this would allow private streets without curb and gutter which would be better for the watershed protection area. He stated presently private streets are not allowed. He stated his second request relates to a revision to the Collector

Street Plan north of Strickland Road and briefly explained the proposed revision. He asked that these two items be considered for public hearing.

City Manager Benton indicated, as far as the private streets in the Primary Reservoir Watershed Area, Mr. Taylor could initiate a text change and get it heard in November or the City Council could initiate a text change and authorize an earlier hearing. He stated the amendment to the Collector Street Plan request should be referred to the Comprehensive Planning Committee. Mr. Congleton indicated he feels these requests should be kept together; therefore, he would move that both requests be referred to the Comprehensive Planning Committee. Without objection, the items were so referred.

***PARKING SPACES - RESERVATION - APPROVED

Henry C. Hammond, representing the State of North Carolina, Department of Administration, would like to request reservation of parking spaces on the left side of Capitol Square on September 4, 1985, in connection with the United Way presentation to be made by the Governor of the State of North Carolina. He also requested permission to park a bus on the northeast side of Morgan Street, east of Wilmington Street in connection with this event. Mr. Hammond indicated this involves six parking spaces on Morgan Street between Salisbury and Wilmington Streets, and he would hope to reserve them from approximately 8:00 until 2:00 p.m. He stated, in addition, they need one parking space adjacent to the Highway Building in order to allow the Marine Band bus. In response to questioning, City Attorney McCormick indicated there is a Code provision that allows this under certain provisions. Mr. Walters moved the request, as presented, be approved. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PUBLIC NUISANCE - PEYTON/EASTERN BOULEVARD - REFERRED TO ADMINISTRATION

Jean Bailey was at the meeting indicating there is a big problem on the corner of Peyton and Eastern Boulevard caused by loitering almost every evening, drinking, loud noises and destruction to property which includes problems relating to her fence being torn down. She indicated she had sent Council members information, explaining there is a bus stop bench, but it is not used by bus patrons but by teenagers and others, and it is causing her problems. After brief discussion, by general consensus, it was agreed to refer this item to Administration to take action and report back to the Council if there is anything the Council needs to do.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

***UNFIT BUILDING - 2506 SOUTH SAUNDERS STREET - REPEALER ORDINANCE ADOPTED

Housing Inspector Bartholomew indicated Ordinance 490 declared the dwelling at 2506 South Saunders Street unfit. He indicated the building is now vacant and cannot be reoccupied until repaired; therefore, he would recommend repeal of the ordinance. Mr. Calloway moved Mr. Bartholomew's recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 636

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. (1985) 490 RELATING TO THE PROPERTY OF WILLIAM G. AND PAULINE R. LYNA LOCATED AT 2506 SOUTH SAUNDERS STREET, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. (1985) 490 relating to the property of William G. and Pauline R. Lyna and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. (1985) 490 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective September 3, 1985.

MATTERS SCHEDULED FOR PUBLIC HEARING

***UNSAFE BUILDING COST CONFIRMATION - 225 SOUTH BLOODWORTH STREET - RESOLUTION ADOPTED; TWELVE-MONTH PAYMENT PERIOD AUTHORIZED

A hearing to consider adoption of a resolution confirming charges in the amount of $1,645 for abating the unsafe building at 225 South Bloodworth Street. The property is in the name of Vanco Jones. The Mayor opened the hearing. Vanco Jones indicated he received a letter about demolishing his house, but he never received any notices. He indicated he had received one letter, and he sent a man to look at it to get an estimate and went out and found another fellow was tearing the house down. He stated he just did not understand. Housing Inspections Superintendent Bartholomew indicated this started the early part of 1985, and Mr. Jones was notified. He stated he has certified receipts of three separate notifications. He indicated this location was the scene of a major crime in Raleigh. He indicated he called Mr. Jones twice. He

pointed out this house was in close proximity to another building; therefore, it had to be taken down by hand, and that is why it cost so much. Mrs. Block moved that the cost, as outlined, be confirmed. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 933

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING UNSAFE BUILDING NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160-A of the North Carolina General Statutes, and Sections 2.14(33), 2.14(51), 2.14(46) and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 10, Chapter 6, Article D of the Code of the City of Raleigh, relating to the abatement of unsafe building nuisance; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the unsafe building nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code to the City of Raleigh and more specifically Part 10, Chapter 6, Article D.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to General Statutes above referred to, and makes the same a lien against the premises as provided in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	COST OF ABATEMENT
Vanco Jones	225 South Bloodworth Street Book 2278, Page 668 Wake County Registry	$1,645.00

Adopted: September 3, 1985 - The City Council agreed that charges would be paid over the next twelve months. If the property is sold, the assessment would be due in full.

Later in the meeting, Mr. Calloway indicated he had been contacted by Mr. Jones about the possibility of being able to make the payment of the charges over a twelve-month period. Brief discussion took place as to what would occur if the property is sold, with Mr. Calloway pointing out, if the property is sold, the total bill would be due. By general consensus, it was agreed to allow Mr. Jones to pay the charges over a twelve-month period with the understanding if the property is sold, the balance would be due.

***STREET CLOSING - TRYON ROAD RIGHT-OF-WAY - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of a portion of Tryon Road right-of-way. The hearing is pursuant to petition, Resolution of Intent and notification as required by law. Planning Director Chapman explained the proposal and the location. He indicated the reviewing agencies have no problem with the street being closed with the condition that a twenty-foot easement be dedicated over the eight-inch sewer line located on the site. The Mayor opened the hearing to the public. The attorney representing the applicant was at the meeting to answer any question. No one else asked to be heard, thus the hearing was closed. Mr. Congleton moved approval of the closing as advertised. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 934

A RESOLUTION ORDERING THE CLOSING A PORTION OF TRYON ROAD AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Tryon Road right-of-way; and,

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and,

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The above described portion of Tryon Road be closed permanently as follows:

Situated in St. Mary's Township, Wake County, North Carolina, and more particularly described as follows:

Bounded on the north by lands of Brown Memorial Fund, Inc., on the east by the right-of-way of Durham Drive, on the south by lands of Rose's Stores, Inc., and Elvis N. Pollard (Morris Theatre Building) and on the northwest by the right-of-way of the present Tryon Road, and described as follows:

Begin at a point in the southerly boundary of Brown Memorial Fund, Inc., as described in deed in Book 3083, Page 0620, Wake County Registry, where the northerly edge of the right-of-way of Tryon Road as shown on Plat 1973-465, Wake County Registry, intersects the southerly or southeasterly edge of Tryon Road as it presently exists; from said beginning point run thence along the boundary of the said Brown Memorial Fund, Inc., S. 68° 25' E. 280 feet to the westerly edge of the right-of-way of Durham Drive; thence along the said right-of-way of Durham Drive S. 4° 29' W. 94.16 feet to the southerly edge of the right-of-way of Tryon Road as shown on Plat 1973-465, Wake County Registry, in the line of Rose's Stores, Inc.; thence along said right-of-way and the line of Rose's Stores, Inc., and Elvis N. Pollard N. 68° 25' W. 448.91 feet to a point; thence along a curve to the left having a radius of 755 feet, for a distance of 352.49 feet to a point at or near the boundary between Rose's Stores, Inc., and the property of Elvis N. Pollard and Mack Donald Weeks; continue along said right-of-way along a curve to the left having a radius of 755 feet for a distance of 132.89 feet to the point where the southerly edge of the right-of-way of Tryon Road as shown on Plat 1973-465, Wake County Registry, intersects the southerly or southeasterly edge of the right-of-way of Tryon Road as it presently exists; thence along the southerly or southeasterly edge of the existing right-of-way of the presently existing Tryon Road, along a curve to the right having a radius of 2246.83 feet, for a distance of 133.77 feet to a point; continue along a curve to the right having a radius of 2246.83 feet, for a distance of 341.95 feet to the point of beginning, containing 42.528 square feet, according to a plat and survey of John A. Edwards and Company, dated October 21, 1985, entitled, "A Portion of Tryon Hills," from which the foregoing description was taken, and to which reference is hereby made for further description and certainty of location.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina, upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 9/3/85

Effective: 9/3/85

***SIDEWALK REPAIRS - VARIOUS LOCATIONS - HEARING - RESOLUTION ADOPTED

This was a hearing to consider requiring sidewalk repairs at 612, 614, 618, 705 and 722 West Lane Street. The hearing is pursuant to Resolution of Intent and notification as required by law. Chief Engineer Thomas explained this is a new procedure and explained the locations involved. In response to questioning, Chief Engineer Thomas indicated the repairs are needed for various reasons. He stated the actual cost will be assessed against the property owner. In response to questioning, City Manager Benton indicated we do periodic inspections of the sidewalks, and some of these particular locations were brought to the City's attention by various Council members. No one else asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of a resolution directing the improvements as advertised. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 935

A RESOLUTION DIRECTING SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND TO SET A PUBLIC HEARING

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require sidewalk improvements without petition under the conditions therein set out; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following sidewalk improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

612 West Lane Street
614 West Lane Street
618 West Lane Street
705 West Lane Street
722 West Lane Street

Section 2. New sidewalk construction or extensions shall be assessed according to property frontage on the improvements and shall be assessed by an equal rate per foot of such frontage. If it is determined that a new sidewalk shall be constructed or extended on only one side of the street, the cost thereof may be assessed property abutting on both sides of the street by an equal rate per foot of frontage, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed abutting property. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 3. That the terms and manner of payment of sidewalk improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in equal annual installments, such installments to bear interest at the rate of 6% per annum on any unpaid balance. However, any assessed less than one-hundred dollars shall be paid in cash within ninety days of confirmation rather than in annual assessments.

Section 4. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

***STREET IMPROVEMENTS - LUNDY DRIVE - HEARING - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a hearing to consider installation of curbs, gutters, drains and paving thirty-one feet back-to-back on Lundy Drive from Jones Franklin Road to the cul-de-sac. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing. Ken Martin was at the meeting, indicating he was representing two of the involved property owners. He indicated water and sewer is available in this street, and his clients are developing on the street. He stated they tried to get a valid petition for paving, and they were able to meet the frontage requirement but were unable to get fifty-one percent of the owners to sign the petition. He indicated most of the properties were rental properties. He explained the road needs to be paved already and with the increased development in the area, it definitely needs to be paved. He stated one of his clients has fourteen and one-half acres that are being developed with seventy-eight units. City Manager Benton indicated this street is involved in a subdivision that was referred to the Public Works Committee earlier in the day. Mrs. Cates moved that the proposed street improvements to Lundy Drive be referred to the Public Works Committee. Her motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

*** SIDEWALK INSTALLATION - ATLANTIC AVENUE/WINTON ROAD - HEARING - RESOLUTION DIRECTING THE PROJECT ADOPTED

This was a hearing to consider the installation of sidewalks on Atlantic Avenue/Winton Road, east side, from New Hope Church Road southward approximately 3,225 feet. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the work as advertised. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 936

A RESOLUTION DIRECTING THAT SIDEWALK IMPROVEMENTS BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property assessable therefor pursuant to Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of sidewalks on Atlantic Avenue/Winton Road, east side, from New Hope Church Road, southward for approximately 3,225 feet.

Section 2. That the improvements shall be of concrete and shall be made in conformity with rules, regulations and specifications of the City of Raleigh.

Section 3. When a sidewalk is constructed or extended on only one side of the street, the entire cost thereof shall be assessed against the property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which was assessed against the abutting property.

But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 4. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

***STREET AND PUBLIC UTILITY IMPROVEMENTS - BERKLEY DRIVE - HEARING - RESOLUTION DIRECTING WORK ADOPTED

This was a hearing to consider the installation of curbs, gutters, drains and paving thirty-one feet back-to-back for an extension of Berkley Drive from Rembert Drive to Brookhaven Park with the installation of sidewalks on one side and the installation of approximately 510 feet of six-inch water main (PU 1985-19) and the installation of approximately 510 feet of eight-inch sewer main (PU 1985-20), with assessment on front footage basis to apply. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mrs. Cates moved adoption of a resolution directing the work as advertised. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 937

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATIONS DESCRIBED HEREIN AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains and paving 31 feet back-to-back for an extension of Berkley Drive from Rembert Drive to Brookhaven Park with the installation of sidewalks on one side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. The entire cost of new sidewalks shall be assessed property abutting directly on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated new sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: September 3, 1985

RESOLUTION NO. (1985) 938

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEMS OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to

direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU-1985-19 - Installation of approximately 510 feet of six-inch water main in the extension of Berkley Drive from Rembert Drive to Brookhaven Park

PU-1985-20 - Installation of approximately 510 feet of eight-inch sewer main in the extension of Berkley Drive from Rembert Drive to Brookhaven Park

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: September 3, 1985

Mayor Upchurch indicated approval of this street and public utility project triggers the approval of Subdivision S-104-85 - Sir Walter Hills.

***WATER ASSESSMENT ROLL - DURALEIGH ROAD - HEARING - CHARGES CONFIRMED

This was a hearing to consider confirmation of charges for a sixteen-inch water line from U.S. 70, south on Duraleigh Road, according to charges outlined in Resolution 1985-916, adopted on August 6, 1985, and charges covered by Resolution 1985-917, adopted on the same date. The improvements outlined in Resolution 1985-917 are outside the City Limits; therefore, those charges would be effective upon annexation or tap-on to the line. Chief Engineer Thomas explained the work that had been completed. The Mayor opened the hearing to the public. Clem Shankle indicated he is not objecting to the cost being confirmed but just would like for his property, which is the next 252 feet along this street, to be added to this proposal. Chief Engineer Thomas indicated he would contact Mr. Shankle and discuss this matter with him. No one else asked to be heard, thus the hearing was closed. Mrs. Block moved adoption of the charges as outlined. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolutions 939 and 940.

***WATER ASSESSMENT ROLL - DURALEIGH ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider confirmation of charges for the installation of a sixteen-inch water main along Duraleigh Road according to charges outlined in Resolution 1985-918, adopted on August 6, 1985. These improvements are outside the City Limits; therefore, charges would be effective upon annexation or tap-on to the line. Mayor Upchurch opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Calloway moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 939

A RESOLUTION CONFIRMING SPECIAL WATER ASSESSMENT ROLL 1023

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 3rd day of September, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution No. (1985) 916 adopted on the 6th day of August, 1985, which assessments appear on "The City of Raleigh Special Water Assessment Roll 1023," against the lots and parcels of

land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of six percent per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principle and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book," which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: September 3, 1985

RESOLUTION NO. (1985) 940

A RESOLUTION CONFIRMING SPECIAL WATER ASSESSMENT ROLL 1023A AND 1024

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 3rd day of September, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. (1985) 917 and 918 adopted on the 6th day of August, 1985, which assessments appear on "The City of Raleigh Special Water Assessment Roll 1023A and 1024," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of six percent per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principle and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book," which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: September 3, 1985

Effective: Upon annexation or tap-on to the line

Gail G. Smith
City Clerk

mm/SP9(1)